

STATE OF ILLINOIS  
89TH GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

109th Legislative Day

March 27, 1996

Speaker Daniels: "The House will come to order. Members will please be in their chairs. Those not entitled to the Floor, please retire to the Gallery. The Chaplain for the day is Reverend Dennis F. Voss, of St. Elizabeth's Hospital in Belleville. Reverend Voss is the guest of Representative Holbrook. Guests in the gallery may wish to rise for the Invocation."

Reverend Voss: "Oh God, ruler of all the world we pray for all men and women who hold public office, and especially for those who have been chosen by the people of the State of Illinois to lead us and serve us. By Your grace they are entrusted with great power and great responsibilities for the lives, the well-being, and the happiness of millions of men, women, and children. Grant that the State Representatives of Illinois will be mindful at all times of their sacred trust and of their obligation to serve their people and their God with vision, courage, and uprightness. Grant that they may never spoil or lose this precious heritage of democracy through greed or lust for power, but keep it ever strong and growing by the dedication of their lives to this cause. Let Your spirit rest upon the heart and mind of every woman and man here this morning to guide them, strengthen them, and give them vision and courage to build the State of Illinois into a place where all may dwell together in prosperity, peace, and safety to the end of their days. Amen."

Speaker Daniels: "Thank you Reverend Voss. We'll be led in the Pledge of Allegiance by Representative Holbrook."

Holbrook - et al: "I pledge allegiance to the flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all."

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Speaker Daniels: "Roll call for attendance. Representative Currie is recognized on the Democratic side of the aisle for excused absences."

Currie: "Thank you Speaker. Please let the record reflect that Representatives Martinez and Phelps are both excused because of illness."

Speaker Daniels: "The record will so reflect. Representative Cross is recognized on the Republican side of the aisle for excused absences."

Cross: "Thank you Mr. Speaker. If the record would please reflect that Representative Salvi is excused today."

Speaker Daniels: "The record will so reflect. Mr. Clerk, take the roll. There are 114 Members answering the roll and a quorum is present. The House will come to order. Committee Reports."

Clerk McLennand: "Committee Report from Representative Tom Johnson, Chairman from the Committee on Judiciary for Criminal Law, to which the following Joint Action Motions were referred, action taken on March 26, 1996, reported the same back 'do approve' for Floor Amendment #1, to House Bill 2592. and Floor Amendment #2, to House Bill 2915 Committee Report from Representative Balthis, Chairman from the Committee on Cities and Villages, to which the following Joint Action Motions were referred, action taken on March 26, 1996, reported the same back 'do approve for consideration' Floor Amendment #2 to House Bill 2562."

Clerk McLennand: "Introduction and First Reading of House Bills. House Bill 3725, Offered by Representative Scott, a Bill for an Act to amend the Illinois Public Aid Code. First Reading of this House Bill. House Bill 3726, Offered by Representative Scott, a Bill for an Act to amend the Illinois Pension Code. Introduction and First Reading of

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these House Bills."

Speaker Daniels: "Mr. Clerk, House Bills Second Reading. House Bill 2800. Read the Bill, please."

Clerk McLennand: "House Bill 2800, a Bill for an Act that amends the Lead Poisoning Prevention Act. Second Reading of this House Bill. No Committee Amendments. No Floor Amendments."

Speaker Daniels: "Third Reading. House Bill 3026, read the Bill Mr. Clerk."

Clerk McLennand: "House Bill 3026. The Bill has been read a second time previously. Amendment #1 was adopted in committee. No Floor Amendments. Fiscal Note and State Mandates Note have been filed."

Speaker Daniels: "Third Reading. House Bill 3449, read the Bill Mr. Clerk."

Clerk McLennand: "House Bill 3449. The Bill has been read a second time previously. Amendment #1, was adopted in committee. No Floor Amendments. Fiscal Note and Correctional Budget Impact Note have been filed on the Bill as Amended by Amendment #1."

Speaker Daniels: "Third Reading. House Bills Third Reading. House Bill 347, read the Bill Mr. Clerk."

Clerk McLennand: "House Bill 347, a Bill for an Act that Amends the Code of Civil Procedure. Third Reading of this House Bill."

Speaker Daniels: "Representative Cross."

Cross: "Thank you Mr. Speaker. House Bill 347 is an agreed Committee Bill or Committee Bill that came out of the House Judiciary Civil Law Committee. It contains four or five provisions that we worked on over a several week period. Among other things it provides that for the first time that if you're guardian ad litem in a divorce case and you are

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harassed by one of the parties, the person doing the harassing would be guilty of a Class A misdemeanor. It also provides, we've amended the Corporate Fiduciary Act. Last year we amended that Act that provided that a corporate fiduciary could delegate some of it's work to subsidiaries. That language has been a problem for people that do corporate fiduciary work and we've changed the word from 'delegate' to 'affiliate'. We've amended the Trust and Trustees Act in a very limited manner. We've also provided that the Uniform Enforcement of Foreign Judgments Act shall be amended to allow for immediate action can be taken on foreign judgments instead of waiting 30 days. We've amended the Adoption Act that provides that at one time provided that a court may appoint a states attorney to act as a guardian ad litem We've deleted that provision. We've also amended the Property Tax Code to provide greater notice to people to protect taxpayers. I think those are the basics I'd be glad to answer any questions. I believe the other side of the aisle is agreeable to this Bill. We've worked with them on about all the provisions, but I'd be glad to answer any .questions."

Speaker Daniels: "Representative Lang."

Lang: "Thank you, Mr. Speaker. To the Bill. We're going to support it. This Bill is the product of many hours of conversation between Representative Cross and myself and others on the Judiciary Committee. It's a completely agreed Bill and we would recommend you vote for it."

Speaker Daniels: "Representative Cross to close."

Cross: "I'd appreciate a 'yes' vote. Thank you."

Speaker Daniels: "The Gentleman moves for the passage of House Bill 347. All those in favor signify by voting 'aye', opposed by voting 'no'. The voting is open. Have all

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voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. There are 105 'ayes', none voting 'no', none voting 'present'. This Bill, having received a Constitutional Majority, is hereby declared passed. House Bill 1287, read the Bill, Mr. Clerk."

Clerk McLennand: "House Bill 1287, a Bill for an Act that amends the Public Community College Act. Third Reading of this House Bill."

Speaker Daniels: "Representative Wirsing, you want that out of the record? Take that Bill out of the record. House Bill 2028. Representative McAuliffe. Take that Bill out of the record. House Bill 2406. Representative Wirsing. Representative Wirsing. House Bill 2406. Take the Bill out of the record. House Bill 2529. Representative Saltsman. Take the Bill out of the record. House Bill 2612. Representative Woolard. Are you ready? Representative Woolard, take it out of the record. House Bill 2651. Representative Leitch. Take the Bill out of the record. Who wants to step up to the plate? Anyone, raise their hand? Fine, what's the Bill number? We're not going to call Bills on Third Reading that are still in committee. House Bill 2725. Representative Persico. Out of the record, Representative Persico are you ready? Here we go. Ladies and Gentlemen, give this man a hand. I just want to caution everybody, we may not get back to your Bills. I just called two of your Bills."

Clerk McLennand: "House Bill 2725, a Bill for an Act that amends the Environmental Protection Act. Third Reading of this House Bill."

Speaker Daniels: "Representative Persico."

Persico: "Thank you, Mr. Speaker and Members of the House. House

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Bill 2725 amends the Environmental Protection Act and basically what it does, it allows the agency to issue a permit to a municipal waste transfer station without requiring approval pursuant to section 39.2, local siting, provided that the following other criteria are met. One, the municipal waste transfer station was in existence on or before January 1, 1979, and was in continuance operation from January 1, 1979 to January 1, 1993. Secondly, the operator submitted a permit application to the agency to develop and operate the municipal waste transfer station during April of 1994. Three, the operator can demonstrate that the County Board or the Municipal Governing Body does not object to the resumption of operation of the station. And three, the siting is local zoning approval. I would answer any questions you might have on House Bill 2725."

Speaker Daniels: "Representative Novak."

Novak: "Thank you, Mr. Speaker. Will the Sponsor yield?"

Speaker Daniels: "He indicates he will."

Novak: "Yes, Representative Persico, who owns this transfer station?"

Speaker Daniels: "Representative Persico."

Persico: "Representative, currently Browning-Ferris owns this transfer station."

Speaker Daniels: "Representative Novak."

Novak: "Thank you, Mr. Speaker. And how long have they owned it?"

Speaker Daniels: "Representative Persico."

Persico: "Representative, I believe since around the mid 80's."

Speaker Daniels: "Representative Novak."

Novak: "And prior to that time, who owned the transfer station?"

Speaker Daniels: "Representative Persico."

Persico: "Rott's Disposal Company owned that prior to selling ti

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to Browning-Ferris."

Speaker Daniels: "Representative Novak."

Novak: "Well, when the other company owned the transfer station, were they permitted to provide those services? Were they permitted by the E.P.A., or the county?"

Speaker Daniels: "Representative Persico."

Persico: "Representative, prior to that, there was no siting provisions that we had on state statute and they had a permit to have this transfer station and when we passed these laws, they felt that they were grandfathered in."

Speaker Daniels: "Representative Novak."

Novak: "Yes, where is this located? Is it in the unincorporated area in Dupage County or is it within a municipality?"

Speaker Daniels: "Representative Persico."

Persico: "Representative, it's in an unincorporated area near Westmont Illinois."

Speaker Daniels: "Representative Novak."

Novak: "And this will be a regional facility? In other words, it would accept trash from a variety of communities, for transfer?"

Speaker Daniels: "Representative Persico."

Persico: "Representative, it's my understanding that it will accept trash from a few nearby communities, possibly Downers Grove, Westmont, maybe even as far as Naperville."

Speaker Daniels: "Representative Novak."

Novak: "Thank you, Mr. Speaker. Within DuPage County, is there currently a lack of municipal transfer stations? Is that why there is such a need for this, because of the concerns for the large amount of trash that cannot be handled?"

Speaker Daniels: "Representative Persico."

Persico: "Representative, currently there are no transfer stations in operation in DuPage County. This one felt that

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it was grandfathered and this is the need for it. As you are well aware, our two landfills are closing within the next two years and Dupage County is going to need to find a way to transfer this waste."

Speaker Daniels: "Representative Novak."

Novak: "Yes, Representative, has Gail Fransen, the County Board Chairman, is the County Board in favor of this facility there?"

Speaker Daniels: "Representative Persico."

Persico: "Representative, yes, I have spoken to Mr. Fransen on a few occasions concerning this Bill."

Speaker Daniels: "Representative Novak."

Novak: "Well, why hasn't the company applied to the county for the siting?"

Speaker Daniels: "Representative Persico."

Persico: "Representative, when Rotts Disposable Company was in operation, they felt that they were grandfathered in and it was only after BFI purchased this transfer station that they found that they had some problems. And then when they went to E.P.A. to settle this dispute, E.P.A. had no authority because of the new local siting law to let them operate and so it has been discussed and litigated for the past few years. And as I've mentioned, this is a very important part, in terms of how DuPage County is going to dispose of their waste and they felt that they were in compliance and were operating under the law at that time and they needed to be grandfathered in. This only will deal with this Westmont Transfer Station."

Speaker Daniels: "Representative Novak, you have just 30 seconds left."

Novak: "Yes, yes Sir, thank you Mr. Speaker. Since you said the landfills in DuPage County will be closing very shortly,



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where will they be sending their garbage then, once these close? Do you have any idea?"

Speaker Daniels: "Representative Persico."

Persico: "Representative, I believe that's going to be up to the companies that are transferring this garbage and whatever landfills they negotiate an agreement with."

Speaker Daniels: "Representative Novak."

Novak: "Thank you, Mr. Speaker. No further questions."

Speaker Daniels: "Further discussion, Representative Black."

Black: "Thank you Mr. Speaker, will the Sponsor yield?"

Speaker Daniels: "He indicates he will."

Black: "Representative Persico, you and I discussed this Bill at some length yesterday on the Floor. Let me, just on the record, indicate that this Legislation does not have any impact on how tipping fees are collected or distributed, is that correct?"

Speaker Daniels: "Representative Persico."

Persico: "Representative, you are absolutely correct and I have no intention of putting any tipping fees on transfer stations on this Bill."

Speaker Daniels: "Representative Black."

Black: "So, in effect, this Bill only deals with one particular transfer station and does not get into the Solid Waste Act and the distribution or collection of tipping fees in any way whatsoever?"

Speaker Daniels: "Representative Persico."

Persico: "Yes, Representative, you are correct."

Speaker Daniels: "Representative Black."

Black: "Thank you very much Representative."

Speaker Daniels: "Further discussion, the Gentleman from Clinton, Representative Granberg."

Granberg: "Thank you, will the Gentleman yield?"

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Speaker Daniels: "He indicates he will."

Granberg: "Representative Persico, you talk about the local siting issue. Whose district is this located, or where is this located?"

Speaker Daniels: "Representative Persico."

Persico: "Representative, this is located near Westmont and it's in Representative Biggert's district as well as Senator Dillard's."

Speaker Daniels: "Representative Granberg."

Granberg: "Is Representative Biggert in favor of the Legislation?"

Speaker Daniels: "Representative Persico."

Persico: "Representative, yes she is in favor of this and let me add that Browning-Ferris has worked very closely with the City of Westmont and dealing with the different criteria that they will use to be able to start up this transfer station again. It's my understanding that they are also in favor of this because of the criteria that has been put into this Bill."

Speaker Daniels: "Representative Granberg."

Granberg: "Thank you. Well, Representative, for this side of the aisle, is there any opposition to the Bill whatsoever?"

Speaker Daniels: "Representative Persico."

Persico: "Representative, it's my understanding that Waste Management is in opposition to this Bill as well as the Solid Waste Management Association is in opposition to this Bill. You know, if it was Waste Management that was owned this station at that time and they applied for this, I would be in favor of having them be able to open up the transfer station as well."

Speaker Daniels: "Representative Granberg."

Granberg: "Thank you. Is the Illinois E.P.A. in favor of the

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Bill as well Representative Persico?"

Speaker Daniels: "Representative Persico."

Persico: "Representative, the Illinois E.P.A. is neutral on this Bill."

Speaker Daniels: "Representative Granberg."

Granberg: "I think our analysis indicated that they were opposed previously, Representative. Have they changed their position or have they always been neutral on the Bill?"

Speaker Daniels: "Representative Persico."

Persico: "Representative, as far as I am aware of they've always been neutral on this Bill and they have filed a slip that they were neutral in committee."

Speaker Daniels: "Representative Granberg."

Granberg: "Is Representative Murphy in favor of this or dose he want incineration? Could this garbage have been taken to the trash-to-energy facility?"

Speaker Daniels: "Representative Persico."

Persico: "Representative, I haven't had the opportunity to talk to Representative Murphy, whether she's in favor of this Bill or not."

Speaker Daniels: "Representative Granberg."

Granberg: "So, particularly for the Members on this side of the aisle, I just want our side to be aware that there is some opposition to the Bill and I appreciate Representative Persico's answers to the questions."

Speaker Daniels: "Further discussion, the Gentleman from Washington, Representative Deering."

Deering: "Thank you Mr. Speaker. Will the Sponsor yield?"

Speaker Daniels: "Indicates he will."

Deering: "Representative, just a couple of questions here. A year ago I passed some Legislation through the help and negotiations of yourself and some of the affected people in

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this Bill to allow some landfills in southern Illinois to stay open because of the federal guidelines, they didn't file the compliance plans and we were successful in that. In the meantime these landfills had to close. We are now running out of landfill space in southern Illinois so with this transfer station staying open, will we be able to ship our downstate waste up to DuPage County and have it taken care of?"

Speaker Daniels: "Representative Persico."

Persico: "Representative, I believe that if we weren't closing our own landfills, we'd probably gladly accept your waste."

Speaker Daniels: "Representative Deering."

Deering: "I think I heard you speak in debate that it would be a couple of years before your landfills close, so maybe we can work some compromises out. We can help you readily close them, that way when we close all the landfills, the environment will be such a nice place for the citizens and residents of the State of Illinois."

Speaker Daniels: "Representative Deering, is that all? Further discussion, the Gentleman from Winnebago, Representative Scott."

Scott: "Thank you Mr. Speaker. Will the Sponsor yield?"

Speaker Daniels: "He indicates he will."

Scott: "Representative, we talked about this Bill in committee quite a bit. Now, it was possible for the E.P.A. in this case to have grandfathered this facility and said that the Senate Bill 172 siting procedures wouldn't apply. Isn't that correct? They could have done that."

Speaker Daniels: "Representative Persico."

Persico: "That's correct, Representative."

Speaker Daniels: "Representative Scott."

Scott: "But, the E.P.A. turned down BFI's request to grandfather

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this facility and that decision has been appealed to the Pollution Control Board now. Isn't that correct?"

Speaker Daniels: "Representative Persico."

Persico: "Representative, their decision to obtain a permit to reopen was denied and it's in front of the Pollution Control Board, you're absolutely correct there. But the statute of limitations to be grandfathered in expired a few years earlier."

Speaker Daniels: "Representative Scott."

Scott: "And there decision, if I remember correctly from Committee, the Pollution Control Board decision on whether or not to overturn the E.P.A.'s permit denial, that's coming in June of this year, at least that stage of the process?"

Speaker Daniels: "Representative Persico."

Persico: "Representative, it's my understanding that they were hoping to get it by June 23rd but I think their application has been in for about three years now and nothing has been done. So this is a way to expedite the matter because as I mentioned we are very close to closing our landfills and DuPage County needs a way to dispose of their waste."

Speaker Daniels: "Representative Scott."

Scott: "And I believe the testimony was also the their decision because of political questions or political problems inside of DuPage County, they chose not to file a siting application back in 1994, but chose just to try ro get a permit from the E.P.A.."

Speaker Daniels: "Representative Persico."

Persico: "Representative, I believe since the situation has become so acute in the last few years with the closing of the landfills, this is the reason that they came to the State Legislature to try to reopen what they felt was a

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very valid permit at the time, and so this is something that we're just trying to rectify at this point."

Speaker Daniels: "Representative Scott."

Scott: "Very briefly to the Bill, Representative, I appreciate your answers to the questions. I don't have any problem with this particular facility, as I stated in committee. I'm sure that this is a very good neighbor, I'm sure that they do a good job as Rotts did before in owning this facility. My problem is that we shouldn't be a super-pollution control board any more than we should be a super-school board in the waiver's cases. We've set up a system for siting approval to go through counties for whatever reasons that are their own, they chose not to take that avenue. They chose to go to the E.P.A. They were denied a permit. There's an appeal process for that that they're following. I just think it's a bad idea and a bad precedent for us to be involved. And then going over that particular process that we set up through a lot of work here before I got here, and to grant these permits on an individual basis. I think that opens the door for lots of other requests and maybe some facilities that aren't as good of neighbors who aren't as good as this particular facility. So it doesn't have anything to do with Browning-Ferris as much as it does the process and I would urge a 'no' vote."

Speaker Daniels: "Representative Persico to close."

Persico: "Thank you Mr. Speaker. Members of the House, House Bill 2725 will set up with many safeguards, including among them, if the community is feeling that the company is not living up to their part of the bargain that they would be able to close them down. It's a much needed Bill for DuPage County. It's a transfer station that we will need

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in the next few years and hopefully you will be able to support me on House Bill 2725."

Speaker Daniels: "The Gentleman has moved for the passage of House Bill 2725. All those in favor will indicate by voting 'aye'; opposed by voting 'nay'. The voting is open. This is final action. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record, Mr. Clerk. On this question there are 97 'ayes', 7 voting 'no', none voting 'present'. This Bill, having received a Constitutional Majority, is hereby declared passed. House Bill 2735, Representative Hughes. Read the Bill, Mr. Clerk. Representative Wojcik in the Chair."

Clerk McLennand: "House Bill 2735, a Bill for an Act concerning township officers. Third Reading of this House Bill."

Speaker Wojcik: "Representative Hughes."

Hughes: "Thank you Madam Speaker. House Bill 2735 is a Committee Bill for house counties and townships. After all of the Amendments to the Bill, there are three provisions. The first is contained in Amendment #1, and in that provision it authorizes township supervisors in Cook County to participate in the Cook County Township Public Aid Committee. Currently those supervisors are participating, but technically they don't have the legal authority to do so. So this is a codification of a practice that already exists. That Amendment further provides that supervisors do not receive any additional compensation for the duties associated with their participation in that Cook County Township Public Aid Committee. They shall only be reimbursed for actual and necessary expenses related to the service of the committee. Amendment #3 was requested by the municipal league and that is clean up language in the aftermath of the adoption of Public Act 890405, which

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provided for the setting of compensation of local official salaries at least 180 days prior to the beginning of their terms. This Amendment would have the language consistent with the Public Act adopted in the Municipal Code. So they are not conflicting languages in the two different sections of the statutes. And the third provision is contained in Amendment #5. And Amendment #5 addresses the problem created with that same Public Act, since township assessors take office substantially later after election, than, other elected officials, they fell into a gap in the Legislation. So, Amendment #5 stipulates that township assessors salaries will be set at the same time as township supervisor salaries except for those cases where there are multi-township assessors and in those instances the salaries will be set 150 days before the election of that officer. That is what this Bill does. There is no opposition to the Bill that I am aware of and I would entertain questions. Thank you."

Speaker Wojcik: "Is there any discussion? The Gentleman from Madison, Representative Hoffman is recognized."

Hoffman: "Will the Sponsor yield?"

Speaker Wojcik: "She indicates she will."

Hoffman: "Yes, Representative, it's my understanding that there are two provisions in here regarding pay raises, or the ability to change salaries. One is dealing with the township, the other one is municipalities. It's my understanding that in one of them with regard to the township, we say that they must set compensation at least 150 days before the election of those offices. And the one involving municipalities indicates that you must do it 180 days..."

Speaker Wojcik: "Representative, excuse me a moment. Could you



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take your conversation to the back of the room.  
Representative Hughes cannot hear Representative Hoffman.  
Thank you."

Hoffman: "I guess the bottom line is, there's a lack of consistency and one we have to set compensation 150 days before the election, and the other 180 days. Why the disparity?"

Speaker Wojcik: "Representative Hughes."

Hughes: "The 150 days applies only where we have multi-township assessors and that is because the town boards may be meeting at different times. There isn't a single date, so that provision applies only in multi-township situations."

Speaker Wojcik: "Representative Hoffman."

Hoffman: "No, I understand that. My point is, why don't we have some consistency in the statutes? If we're going to say 180 days for municipalities, why don't we say 180 days for townships? Why do we say 150 days for townships and 180 days for municipalities? That's my point."

Speaker Wojcik: "Representative Hughes."

Hughes: "The 180 day provision is consistent for in every instance relating to local governments including townships, except for the multi-township situation and the reason for the exception there is because there are multiple town board meetings instead of a single town meeting. It covers that and it allows for them to still be set in a consistent manner prior to their taking office and prior to their being elected."

Speaker Wojcik: "Representative Hoffman."

Hoffman: "Yes, not a parliamentary inquiry but more of a housecleaning measure. It's my understanding that the original Bill has to do with the townships. Then you adopted Amendment #1, which had to do with allowing the

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Cook County supervisors to serve on the Cook County Public Aid Committee. That was adopted. Amendment #2 was adopted, Amendment #3 was adopted, and then Amendments #4 and 5 were not on the Bill. Is that correct?"

Speaker Wojcik: "Representative Hughes."

Hughes: "I'm sorry, I am still having trouble hearing Representative Hoffman."

Speaker Wojcik: "Representative Hoffman, would you like to repeat your question?"

Hoffman: "Yeah, it's my understanding that Amendments 1 through 3 are on the Bill, but Amendments 4 and 5 are not on this Bill, is that correct?"

Speaker Wojcik: "Representative Hughes."

Hughes: "Amendment #1, 2, 3, and 5 are on the Bill. Amendment #5 corrects technical problems that were in Amendment #2 and in the underlying Bill."

Speaker Wojcik: "Representative Hoffman."

Hoffman: "So, the Amendment #4, which is Stroger's Amendment, regarding the Illinois Purchasing Act and requiring that we buy Illinois goods is not on the Bill?"

Speaker Wojcik: "Representative Hughes."

Hughes: "That Amendment was deemed nongermane to the Bill and referred to Rules."

Speaker Wojcik: "Representative Hoffman."

Hoffman: "I don't see any problem with the Bill. It's basically making technical changes. I would like to commend the Sponsor. However, I think that we in this chamber, need to take a look at Representative Stroger's Amendment. I think that it's vitally important that we begin to use Illinois money to buy Illinois goods, put our people to work. Where we're talking here, we've had license plate Bills over the last few days. We have had Bills that deal with technical

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changes. We had a Bill a few days ago that said 'now you can send something certified mail or you don't have to send something certified mail, you can send it regular mail.' Let's talk about putting our people to work. In my opinion we should be debating that issue. This issue is all well and good. There's no problem with it. Our people on this side of the aisle will support it, but I just wish we would do something that means something to the people of the State of Illinois."

Speaker Wojcik: "Is there any further discussion? The Gentleman from Effingham, Representative Hartke is recognized."

Hartke: "Thank you. To the Bill. I stand in support if this Legislation and work with Representative Hughes, the Sponsor on it. The township officials, it's their initiative and to answer my colleagues question here, part of the reason for the 150 days is because local officials, township officials, in a multi-township assessor area meet at one time to set salaries and compensation for those assessors and then a couple days later the multi-township board meets to set the salary for the assessor. That's usually done afterward. And so to accommodate those townships which let's the township to set the agenda before the multi-township assessors board meets. We thought it necessary to give them the extra 30 days, and that's still plenty of time, I do believe, to let everyone know where the salary for the assessors are. So, I stand in support of the Legislation."

Speaker Wojcik: "Is there any further discussion? The Gentleman from Vermillion, Representative Black is recognized."

Black: "Thank you very much, Ms. Speaker. Will the Sponsor yield?"

Speaker Wojcik: "She indicates she will."

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Black: "Representative, on Committee Amendment #3, I take it this was initiative of the Illinois Municipal League, is that correct?"

Speaker Wojcik: "Representative Hughes."

Hughes: "That's...yes."

Speaker Wojcik: "Representative Black."

Black: "Is setting this compensation, is that a mandate on local units of Government?"

Speaker Wojcik: "Representative Hughes."

Hughes: "No, it is not."

Speaker Wojcik: "Representative Black."

Black: "Well, are we certain that Committee Amendment 3 shouldn't be a 3/5 vote? I thought the Municipal League wanted everything done on a 3/5 vote."

Speaker Wojcik: "Representative Hughes."

Hughes: "Representative, this does not change anything except to make the wording in the municipal code identical to the wording in the Public Act adopted last year. It doesn't change what they are required to do under the law in any way."

Speaker Wojcik: "Representative Black."

Black: "So, this must be a good mandate then, right?"

Speaker Wojcik: "Representative Hughes."

Hughes: "I wouldn't call it a mandate. I would call it a technical cleanup so that the statutes are consistent."

Speaker Wojcik: "Representative Black."

Black: "Well, I guess that sounds reasonable to me. I just wanted to make sure that we shouldn't get in a 3/5 vote. I appreciate that Representative. Madam Speaker and Ladies and Gentlemen of the House, let me just speak to Committee Amendment #4, which didn't evidently get put on the Bill. I stand ready to join my colleagues on the Democrat side of

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the aisle. I added some Amendments to your last Buy American Bill when you were in the Majority. And one of those Amendments that passed said 'let's stop these Legislators from driving foreign name plate cars.' No, you can't park any of those foreign name plate cars on state property. Let's have the doorman check the labels in your clothes when you come in, make sure they were made in America, not some Italian suit. You know, you want to start getting into this 'Buy American stuff', I've got some Amendments you voted for in the past. I'll be glad to give you again, but don't give up and give me that old routine when some of you are parking Porsches and Mercedes and all that boloney over there. You want to 'Buy American', come on over to my district, buy General Motors, wear American made suits, get rid of your Rolex watches, then we'll talk about 'Buy American'."

Speaker Wojcik: "Is there any further discussion? Seeing none, Representative Hughes to close."

Hughes: "Thank you. This Bill contains several technical cleanup items. There is no opposition to it. I'd appreciate a 'yes' vote. Thank you."

Speaker Wojcik: "The question is 'Shall House Bill 2735 pass?' All those in favor vote 'aye'; all those opposed vote 'nay'. The voting is open. This is final action. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question there are 106 'ayes', one 'nay', none voting 'present' and this Bill, having received a Constitutional Majority, is hereby declared passed. Mr. Clerk, please read House Bill 2745."

Clerk McLennand: "House Bill 2745, a Bill for an Act concerning Sanitary Districts. Third Reading of this House Bill."

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Speaker Wojcik: "The Gentleman from Lake, Representative Lachner."

Lachner: "Madam Speaker, Ladies and Gentlemen of the House, House Bill 2745 is a Northshore Sanitary District Bill. The Bill does four things. It amends the Sanitary District Act, providing the territory separated public utility property shall be considered contiguous for the purposes of annexation. The second thing it does, it allows that trustees of a Sanitary District Act may borrow money from financial institutions, pledging district revenues or encumbering the district assets, and it increases the maximum loan amount to \$10 million from \$1 million. It also provides that competitive bidding procedures don't apply to facilities built and tested before conveyance to the Sanitary District Act, allows for turnkey construction. And the final provision that amends the Sanitary District Act and states that when an unincorporated territory within the Sanitary District becomes wholly included in one or more municipalities, the electors will get the option by referendum to determine whether or not the Sanitary District should be dissolved. Under current law it would be dissolved automatically. I'd be happy to answer any questions."

Speaker Wojcik: "Is there any discussion? Seeing none, Representative Lachner to close."

Lachner: "I encourage all Members to vote 'positive' for this Bill. It's a good Bill that makes some changes in the Northshore Sanitary District Act. Thank you."

Speaker Wojcik: "The question is, 'Shall House Bill 2745 pass?' All those in favor vote 'aye'; all those opposed vote 'nay'. The voting is open. This is final action. Have all voted who wish? Have all voted who wish? Have all

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voted who wish? Mr. Clerk, take the record. On this question there are 113 'ayes', no 'nays', none voting 'present'. And this Bill, having received a Constitutional Majority, is hereby declared passed. Mr. Clerk, please read House Bill 3281."

Clerk McLennand: "House Bill 3281, a Bill for an Act that amends the Illinois Vehicle Code. Third Reading of this House Bill."

Speaker Wojcik: "The Chair recognizes Representative Noland."

Noland: "Thank you Speaker. Ladies and Gentlemen, House Bill 3281 essentially creates a zero tolerance blood alcohol content law for school bus drivers and there is an exemption there for religious purposes and for prescription medications."

Speaker Wojcik: "Is there any discussion? The Gentleman from Winnebago, Representative Scott, is recognized."

Scott: "Thank you Madam Speaker, will the Sponsor yield?"

Speaker Wojcik: "He indicates he will."

Scott: "Representative, basically this is zero tolerance, you set it lower than CDL's, airline pilots. What was the testimony that led to setting the rate for school bus drivers lower than even those occupations?"

Speaker Wojcik: "Representative Noland."

Noland: "Representative, as you know the current federal and state law for a CDL is .04, so school bus drivers and commercial truck drivers have a .04. The rationale, is I think, that if children are on a school bus that that bus driver should not have even a trace of alcohol in their blood system. That's the rationale."

Speaker Wojcik: "Representative Scott."

Scott: "I realize we don't have any control over this but it seems that airline pilots who have hundreds of passengers

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in their control at any given time and obviously can cause tremendous damage. I mean their standard isn't even at zero tolerance. I was wondering if there was some testimony about levels of impairment or something that came through the committee."

Speaker Wojcik: "Representative Noland."

Noland: "Mr. Scott, I'm a licensed pilot and when I was taught to fly it's 24 hours from the bottle to the throttle. So, when I fly, I don't drink within 24 hours and that's the industry standard."

Speaker Wojcik: "Representative Scott."

Scott: "Is it possible, having prosecuted a lot of D.U.I.'s before, I came in contact with a lot of these kinds of issues, is it possible to have had nothing that particular day, not 24 hours because it should be out of your system then, but to wake up and to have .03 or .02 in your system, or .01, and would you be in violation of the law even though you haven't had anything to drink?"

Speaker Wojcik: "Representative Noland."

Noland: "We asked that question to the Retail Liquor Association and to ABDI and they tell me that if you went out and had a social drink for a wedding anniversary or a birthday party, even as late as midnight, and had a couple of drinks, that alcohol would dissipate in your blood system. It would not be detectable that next morning. Now certainly, if you had two beers at 1:00 in the afternoon and then drove the school bus at three, you may have a trace, but it will not affect the social drinker from the night before at all."

Speaker Wojcik: "Representative Scott."

Scott: "What was the position of those two groups about this particular Bill in the Committee. You mentioned ABDI and the Retail Liquor Association, what was their position on



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this Bill?"

Speaker Wojcik: "Representative Noland."

Noland: "Both of the aforementioned groups are supportive as well as the Illinois School Management Alliance and Secretary of State and Representative Tom Johnson."

Speaker Wojcik: "Representative Scott."

Scott: "Let me ask you a couple of questions about the Amendment, 'cause that's got some troubling provisions there. What is this language that talks about 'any detected presence of alcohol?' It's not really defined. Are you talking about just relying perhaps on a testimony of a police officer to say he smelled alcohol? You've got language in there that says 'any detected presence of alcohol'."

Speaker Wojcik: "Representative Noland."

Noland: "This is consistent with what we did just a short while ago with minors. It's the same exemptions we did with minors. Children under 21, same exemption for religious or prescription medications."

Speaker Wojcik: "Representative Scott."

Scott: "I understand that. I appreciate that. My only question is though, are we talking about, you know, is there a six-pack sitting, you know does the driver have it with him, beer with him? Is it beer on his breath? Is it detected in terms of a test? Are we talking about all those things, none of them?"

Speaker Wojcik: "Representative Noland."

Noland: "Well, obviously our law enforcement are trained professionals and if they stop a school bus and they think there's a light out or a violation, if they detect something and you've been in courts, so if they can detect...they're trained for that. If they notice glassy eyes or a slurred speech or strange driving habits. I

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don't know why a school bus driver would have a six-pack of beer with him anyway in the bus. I mean...and if they do they shouldn't be driving."

Speaker Wojcik: "Representative Scott."

Scott: "Why are we exempting religious intake from this? I mean if the logic, which I agree with, says that a school bus driver who has lives of kids in his care or her care shouldn't be driving with any trace of alcohol, why are we exempting religious intake? I mean if the person has wine, or maybe a lot of wine depending on what their religion is before he drives a school bus, why should that be any less of an offence than the person who does it for nonreligious purposes?"

Speaker Wojcik: "Representative Noland."

Noland: "Well, the attempt is to stop bus drivers who are driving and drinking, I mean that's just point blank, that's what it's all about. But there is some concern about, what about Nyquil, and what about prescription medications, and what about Communion? Frankly, I would have said 'no exemptions,' but we're being consistent with what The Secretary of State did a little while ago with minors and that's why we're doing that. It's just being consistent."

Speaker Wojcik: "Representative Scott, you'll have to bring your questions to a close. I've given you another minute."

Scott: "Thank you Madam Speaker, I appreciate that. I'll just ask one more question. The exemptions are a little bit troubling to me and I realize it's consistent but I don't necessarily like the other ones as well. If we're making an exemption for medication, I mean theoretically somebody could be totally gone and as long as they're within the prescription, it reads to me that the exemption may allow them out. Are you reading it the same way or do you have a

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different interpretation of that?"

Speaker Wojcik: "Representative Noland."

Noland: "I can't imagine someone saying that they had a .10 or .15 because of prescription medications. That would be so over the allowable prescription rate. That would be absurd. So, I don't think it allows for people to say, 'well I'm just on prescription medication and I'm drunk from that.' I mean there's going to be more involved than just that. So, it talks about kind of bus driver we'd have if they were intoxicated from a prescription, they shouldn't be on the road in the first place."

Speaker Wojcik: "Representative Scott."

Scott: "I agree, but I think the exemption, the way it's written may actually allow..."

Speaker Wojcik: "Representative Scott, please bring your remarks to a close. Is there any further discussion? The Gentleman from Cook, Representative Lang is recognized."

Lang: "Thank you. Will the Sponsor yield?"

Speaker Wojcik: "He indicates he will."

Lang: "Representative, does this Bill come out of, or have anything to do with the committee hearings that Representative Hughes had relative to school bus accident in Fox River Grove?"

Speaker Wojcik: "Representative Noland."

Noland: "No, I had the pleasure of introducing this committee in...this Bill was introduced in Judicial Criminal."

Speaker Wojcik: "Representative Lang."

Lang: "Obviously, you're concerned about the safety of children on school buses. Have you given any consideration, Representative to putting an Amendment on this Bill that would allow for seat belts on school buses?"

Speaker Wojcik: "Representative Noland."

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Noland: "Well, I know that's an issue dear to your heart. I wish you would come to me earlier. I would have loved to discuss that issue with you at length. But, I'm afraid we're at the point now, where we'll have to work on it another time, on another Bill."

Speaker Wojcik: "Representative Lang."

Lang: "Well, I'll take that as support for that measure. Thank you very much Representative."

Speaker Wojcik: "Any further discussion? The Gentleman from Effingham, Representative Hartke is recognized."

Hartke: "Thank you, Madam Speaker. Would the Sponsor yield?"

Speaker Wojcik: "He indicates he will."

Hartke: "Representative Noland, did I hear you indicate that ABDI and the Illinois Retail Liquor Association as well as the School Bus Driver's Association are in support of this Bill?"

Speaker Wojcik: "Representative Noland."

Noland: "Representative Hartke, I know that you're concerned about your grandmother's rum cake, but I think you could probably have some of that and if you want a part time bus driving job, you could probably still do this. But, ABDI and the Retail Liquor Association are both in support."

Speaker Wojcik: "Representative Hartke."

Hartke: "I have a question I want to put in a little scenario. I have problems when you talk about zero tolerance. That concerns me, and the scenario is there's an accident God forbid, a school bus and several children are injured or possibly killed. The officer at the accident then would require a blood test. Is that not right?"

Speaker Wojcik: "Representative Noland."

Noland: "That is correct."

Speaker Wojcik: "Representative Hartke."

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Hartke: "Yes, and then that blood test, let's say it indicates not .10, not .04, or .02, but .002 alcohol. He had a drink Sunday night socially playing cards with his friends and wife and so forth. Is he then liable and will lose his license and so forth? This is because you have a .0 tolerance, and that means nothing and the Delaney Clause, that you and I are both familiar with pops into my mind. We can detect a small amount of anything. Is this opening up liability for him and the school district and everything else?"

Speaker Wojcik: "Representative Noland."

Noland: "You've asked me a hypothetical, and I have with me a blood alcohol content estimator, so give me the weight of that bus driver. And they had one drink? Let's look at it. Give me the weight of that bus driver and they had one or two drinks."

Speaker Wojcik: "Representative Hartke."

Hartke: "You're talking hypothetical? Let's say she is on a diet and she weighs 120 pounds and she had two beers Sunday evening playing cards at 9:00 p.m. and she's driving at 7:00 a.m. the next morning."

Speaker Wojcik: "Representative Noland."

Noland: "Representative Hartke, she would have a blood alcohol content in one hour of .054 and within four hours that alcohol would be completely out of her blood system. In four hours that alcohol would be completely out of her blood system."

Speaker Wojcik: "Representative Hartke."

Hartke: "Well, let's say that she was feeling rough and she had a shot of Nyquil at 3:00 a.m. in the morning."

Speaker Wojcik: "Representative Noland."

Noland: "Well, define shot. But, secondly that's a medication

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and it's exempt."

Speaker Wojcik: "Representative Hartke."

Hartke: "Well, I still have some concerns. I cannot disagree with what you are trying to do. No school bus driver should crawl behind the wheel at any time and no reason whatsoever to be any what intoxicated, but I just think that we say zero tolerance, I think we're going just a little far. We talked about airline pilots, 24 hours, I was thinking maybe we should impose a 24 hour rule or something like that. It would be much simpler, much easier than zero tolerance. That would say, 'Hey, look you don't even have one on Sunday evening, if that's what you're going to do.' but I fear that many bus drivers are going to have a couple beers on Sunday night and they are still capable of driving on Monday morning without a doubt, but the fear is going to be there and I think it's unwarranted. So, I'm not sure what I'm going to do on this piece of Legislation. I am still concerned about that zero tolerance."

Speaker Wojcik: "Is there any further discussion? The Gentleman from Washington, Representative Deering is recognized."

Deering: "Thank you Madam Speaker. Will the Sponsor yield?"

Speaker Wojcik: "He indicates he will."

Deering: "Representative, I think Representative Hartke mentioned airline pilots and I might have missed this in the debate but what's the alcohol limitation for airline pilots? Are you familiar?"

Speaker Wojcik: "Representative Noland."

Noland: "Representative Deering, I'm not positive, but I do know that anyone who is taught to fly, the rule is 24 hours from the bottle to the throttle."

Speaker Wojcik: "Representative Deering."

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Deering: "Okay, what about those engineers that say are operating or are in a position to operate an Amtrack? What's their requirements?"

Speaker Wojcik: "Representative Noland."

Noland: "Representative Deering, this Bill is for school bus drivers with children on board. It's zero tolerance for school bus drivers. You'll have to ask the Amtrack experts."

Speaker Wojcik: "Representative Deering."

Deering: "Are school bus drivers required to have a CDL?"

Speaker Wojcik: "Representative Noland."

Noland: "Federal law requires school bus drivers and commercial truck drivers have a CDL and the BAC then becomes .04."

Speaker Wojcik: "Representative Deering."

Deering: "So then we're going to have a two tiered system for CDL drivers in the state, is that correct?"

Speaker Wojcik: "Representative Noland."

Noland: "How is that different from the current? We've got two levels of BAC now. You and I are .10, CDL's are .04. So, we already have a two tiered system. This would just require school bus drivers who have our children on board Mr. Deering, to be zero tolerance."

Speaker Wojcik: "Representative Deering."

Deering: "Okay, I see in the analysis that you specify a person driving a school bus with children on board, zero tolerance, have to have a CDL. What if I'm a bus driver employed by Greyhound, I have a CDL, I fall under the .04 tolerance for alcohol, but yet I'm hauling a bus load of kids, what happens there? That's not a school bus."

Speaker Wojcik: "Representative Noland."

Noland: "Now, are they driving as a school contractor? This is a school bus, not a Greyhound, it's actually a school bus

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hauling school children? They would fall under the provisions of this Bill. Now, if it was just a bus hauling children, if it's school children going to school, they would fall under the provisions of this Bill."

Speaker Wojcik: "Representative Deering."

Deering: "So, if I'm a transportation company and a school contracts one of my coach buses to haul kids on a field trip somewhere. Now, I have to be at zero tolerance if I'm driving that bus?"

Speaker Wojcik: "Representative Noland."

Noland: "That is correct."

Speaker Wojcik: "Representative Deering."

Deering: "Nothing further, Madam Chairman."

Speaker Wojcik: "Is there any further discussion? The Gentleman from McDonough, Representative Myers is recognized."

Myers: "Thank you, Madam Speaker. Will the Sponsor yield?"

Speaker Wojcik: "He indicates he will."

Myers: "Representative Hartke alluded to the Delaney Clause and the problems that we have on the federal level with the zero tolerance. When that law was put into effect, zero tolerance testing was done on the parts per million level. Today we go parts per billion and parts per trillion. Your Legislation refers to zero tolerance as well. Is that zero tolerance in the future subject to increased testing or our ability to detect more minute and finite amounts."

Speaker Wojcik: "Representative Noland."

Noland: "Representative Myers, as law enforcement officials can afford technology, I'm sure they'll be used."

Speaker Wojcik: "Representative Myers."

Myers: "Representative, do you feel that this in the future jeopardizes somebody who did, in deed, have a drink over the weekend and their body continues to have some minute



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trace in their system."

Speaker Wojcik: "Representative Noland."

Noland: "Representative Myers, the rate of alcohol dispersion is 50% per hour. So, a social drinker the night before will not be impacted. Now, if you want to talk hypothetical parts per quadrillion, maybe, but I don't know who has that technology. The bottom line is we don't want our kids on school buses with people who are drinking. That's the bottom line. Yeah."

Speaker Wojcik: "Representative Myers."

Myers: "Representative, I don't argue that point. My only concern is that as we develop that technology in the future to go to the parts per quadrillion, there is no reason that those individuals would be impaired, but because of the testing that's involved for one reason or another. Now there should be no cause for that testing to be there in the first place. But in the event that a person does have to have some kind of blood test workup, and it is found that there is a minute trace does this apply in that regard as well?"

Speaker Wojcik: "Representative Noland."

Noland: "I think what we're doing is sending a very strong and clear message that we don't want our bus drivers at noon hour or before breakfast having a drink. No matter what your rate of dispersion is from the alcohol, you should not be mixing drinking and driving. So, the bottom line is, the word should go out to all bus drivers that no matter what, we don't think you should be considering drinking and driving."

Speaker Wojcik: "Representative Myers."

Myers: "Representative Noland, I agree with you in that legislation and I think you have a fine piece and I

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wholeheartedly support it."

Speaker Wojcik: "Is there any further discussion? The Gentleman from Cook, Representative Dart is recognized."

Dart: "Thank you. Will the Sponsor yield for just a couple of quick questions?"

Speaker Wojcik: "He indicates he will."

Dart: "Representative, there was some mention during the debate about whether someone took Nyquil or not, if they'd be exempted from this. Does not the Bill refer to prescription drugs only?"

Speaker Wojcik: "Representative Noland."

Noland: "Representative Dart, I assume Nyquil can be prescribed by a doctor."

Speaker Wojcik: "Representative Dart."

Dart: "My understanding Representative, is that Nyquil is an over-the-counter drug. I mean, I'm sure that a doctor could prescribe aspirin to you too, but by and large Nyquil is over-the-counter that you don't need a prescription for and there's been some individuals also who have talked about the alcohol level that's in some mouthwashes and things like that. Do you have any exemptions for those in this Bill?"

Speaker Wojcik: "Representative Noland."

Noland: "As I remember the debate a while ago on minors, I don't know that that...we're talking about 0.00. I'm not certain that mouthwash is going to be detected."

Speaker Wojcik: "Representative Dart."

Dart: "Just one other question I wanted to clarify too. In regards to charter buses, is that covered under this Legislation?"

Speaker Wojcik: "Representative Noland."

Noland: "You're question was charter buses. Are they being used

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to haul school children for a school function?"

Speaker Wojcik: "Representative Dart."

Dart: "Yes, for like day trips."

Speaker Wojcik: "Representative Noland."

Noland: "It would apply under these restrictions."

Speaker Wojcik: "Representative Dart."

Dart: "Thank you very much, Representative."

Speaker Wojcik: "Since there is no one seeking recognition, Representative Noland to close."

Noland: "Thank you Speaker. As you come in on Clearlake out here by the Chesapeake restaurant, there's a real neat billboard, it has a yellow school bus on it and it says 'inside are 48 reasons why you shouldn't drink and drive.'. Please vote 'yes'."

Speaker Wojcik: "The question is, 'Shall House Bill 3281 pass'. All those in favor vote 'aye', all those opposed vote 'nay', the voting is open. This is final action. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question there are 114 'ayes' no 'nays' none voting present. And this Bill, having received a Constitutional Majority, is hereby declared passed. Mr. Clerk, please read House Bill 3348."

Clerk McLennand: "House Bill 3348, a Bill for an Act that amends the Violent Crime Victims Assistance Act. Third reading of this House Bill."

Speaker Wojcik: "The Gentleman from Cook, Representative Saviano is recognized."

Saviano: "Thank you, Madam Speaker. Members of the House, House Bill 3348 is an initiative of the Illinois Attorney General's Office to provide some uniformity in the collection of penalties which fund the Victims Assistance

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Program for victims of violent crime in this state. Previous to this Legislation, we didn't have a set or uniform way of collecting these fees, and as a result the fund wasn't properly being funded, because we were losing a lot of potential dollars out there that were available to the fund. This provides uniformity in the collection. It passed out of committee unanimously, and I would ask for a favorable vote. Thank you."

Speaker Wojcik: "Is there any discussion? The Gentleman from Cook, Representative Dart is recognized."

Dart: "Thank you. Will the Sponsor yield?"

Speaker Wojcik: "He indicates he will."

Dart: "Representative, you're adding a \$4.00 fee here, or fine, how is \$4.00 making it uniform?"

Speaker Wojcik: "Representative Saviano."

Saviano: "Representative, the \$4.00 was taken out of the Bill with the Committee Amendment. That \$4.00 was originally in there on the speeding tickets and the Illinois Municipal League opposed that because the respective municipalities would lose those dollars, so we took it out of the Bill."

Speaker Wojcik: "Representative Dart."

Dart: "What provisions now are making this more uniform?"

Speaker Wojcik: "Representative Saviano."

Saviano: "I'm sorry, could you repeat the question."

Speaker Wojcik: "Representative Dart."

Dart: "What provisions now are in the Bill after the Amendment that make it more uniform?"

Speaker Wojcik: "Representative Saviano."

Saviano: "Well, now what it does is the penalty will be automatically collected from the Circuit Court Clerk, where before the judge would impose the penalty and that wasn't being properly transmitted to the Clerk's office. This

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sets a uniformity in the collection by the Circuit Court Clerk."

Speaker Wojcik: "Representative Dart."

Dart: "Is there an estimate of how much money this is going to bring in?"

Speaker Wojcik: "Representative Saviano."

Saviano: "No."

Speaker Wojcik: "Representative Dart."

Dart: "Is going to be a cost savings for the Clerk's office though?"

Speaker Wojcik: "Representative Saviano."

Saviano: "Currently, I mean the Clerks are already collecting it. Actually, there's no major fiscal impact on the Clerks. The main thing is, is that it will inevitably increase the amount of the fund because of the improved ways of imposing the penalties."

Speaker Wojcik: "Representative Dart."

Dart: "No further questions."

Speaker Wojcik: "Is there any further discussion? Seeing none, Representative Saviano to close."

Saviano: "I would ask for a favorable vote. This is a good Bill. It's something that we needed to clean up and I appreciate your support. Thank you."

Speaker Wojcik: "The question is, 'Shall House Bill 3348 pass?' All those in favor vote 'aye'; all those opposed vote 'nay'. The voting is open. This is final action. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question there are 115 'ayes' 0 'nays' 0 voting 'present'. This Bill, having received a Constitutional Majority, is hereby declared passed. Mr. Clerk, please read House Bill 3617."

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Clerk McLennand: "House Bill 3617, a Bill for an Act concerning drug induced infliction of aggravated battery to a child athletics. Third Reading of this House Bill."

Speaker Wojcik: "The Chair recognizes the Lady from Cook, Representative Zickus."

Zickus: "Thank you Madam Speaker, Members of the House. House Bill 3617 provides who any person that distributes a nonprescribed drug to a person under the age of 18 with the intent that the person ingest the drug for the purpose of quick weight gain or loss in connection with participation in athletic is guilty of the offence of drug induced infliction or aggravated battery to a child athlete. It provides that the first offence is a Class A misdemeanor and subsequent offences are Class 4 felonies. It does not apply to the distribution under usual and customary standards of medical practice by a physician, license to practice medicine in all its branches, nor to the sale of over-the-counter sale of drugs or products by a retail merchant. And I ask your favorable vote."

Speaker Wojcik: "Is there any discussion? The Gentleman from Cook, Representative Dart is recognized."

Dart: "Will the Sponsor yield?"

Speaker Wojcik: "She indicates she will."

Dart: "Representative, in your Bill it makes reference to a drug called Furosemide. What is that?"

Speaker Wojcik: "Representative Zickus."

Zickus: "That would be Lasix."

Speaker Wojcik: "Representative Dart."

Dart: "How many other drugs would this Bill take in?"

Speaker Wojcik: "Representative Zickus."

Zickus: "If you are particularly interested in drugs such as Lasix, in some instances coaches of youth football,

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wrestling have given these drugs to some of these young athletes to help them to lose weight."

Speaker Wojcik: "Representative Dart."

Dart: "Do you have an estimate of just exactly how many actual drugs this would take in off the exact number?"

Speaker Wojcik: "Representative Zickus."

Zickus: "No, I don't have that information."

Speaker Wojcik: "Representative Dart."

Dart: "Now, with the exemption you have here, that you put in with your Amendment, it exempts physicians and those who are licensed to sell these types of drugs. Could not the coach just tell his students where to go to pick the drug up now and completely evade this law?"

Speaker Wojcik: "Representative Zickus."

Zickus: "That would be up to the child or the child's parents. In some cases the drugs have been given to the child without the parent's knowledge."

Speaker Wojcik: "Representative Dart."

Dart: "Yeah, I suppose, but I guess my point is the law itself could be completely evaded, if you have a coach, who I think you're well aware of the amount of influence they have over these children, encourages the child to go get the drug at over-the-counter drugstore."

Speaker Wojcik: "Representative Zickus."

Zickus: "I guess we cannot cover every single thing in a Bill. This is to discourage coaches from giving prescribed medications to a minor student, something that should be prescribed by a doctor."

Speaker Wojcik: "Representative Dart."

Dart: "I guess my concern is though is that this just won't adequately get done what we're trying to do here. Much like yourself I was rather concerned about the problems

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with the Lasix, especially out in the Palos area. And I introduced a Bill, but lo and behold, like all 70 other of my Bills never made it out of Rules, which was a lot more comprehensive. My Bill would have set up an agency that pretty much is in existence already to oversee this, to prohibit coaches from doing this. It would have had a lot more force and authority to it, because the problem with this Bill is that there is a loophole in it. I understand what you're doing. Your idea has merit. It's just that there is a loophole in here that you can drive a truck through. We should vote for this Bill because it will discourage some people from doing it. But there is a much better way to go after this and this frankly is not it. The reality of the situation is that if a coach tells a 16-year-old, a 15-year-old that you need to lose 10 pounds to make the weight, I can't give you this drug, but here's where you can go to get it. The kid goes and gets it, there's no violation here and there's no discouragement either. So, it's problematic, it really is. I wish you could explain to me how your Bill would address that situation but I don't see it. As I said, I agree with what you're doing here but there is this loophole."

Speaker Wojcik: "Representative Zickus."

Zickus: "Representative, there is a big difference between Lasix and an over-the-counter drug that has already been approved by the FDA for over-the-counter sales. An over-the-counter drug has already been approved for public consumption and does not require a prescription, Lasix does."

Speaker Wojcik: "Representative Dart, bring your questions to a close."

Dart: "Representative, I don't think I need to inform you there are numerous things that are over-the-counter that taken by



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a child, who we're talking about here, could injure them, if not kill them. And I think we've also had stories of kids who are locked into rooms for days to drop weight as well, which your Bill doesn't address either. I'm just trying to point out to you the obvious fact that your Bill will not address situations and not cover every single situation which we should be trying to do here because this is very dangerous and these children's lives are being jeopardized here. Sure you'll take care of Lasix and a couple of other drugs, but there's quite a few other ones that we are not addressing."

Speaker Wojcik: "Any further discussion? The Gentleman from Washington, Representative Deering is recognized."

Deering: "Thank you Madam Speaker. Will the Sponsor yield?"

Speaker Wojcik: "She indicates she will."

Deering: "Representative, I read through the analysis here how we want to stop the athletic directors or the coaches from giving these nonprescription enhancers to help their athletic teams in the respective school districts. Now, you know as well as I do, in this state there are a lot of parents out there who don't give a damn if their kids know how to read or write as long as they can play football or basketball. What if some of those parents encouraged athletic directors to...because they're nonprescription drugs, what if they encourage or agree with the coach of giving these type of weight loss or weight gain pills? Would that coach then have the opportunity to do it? I don't notice anything in the Bill that says it's permissive with the parent's signature."

Speaker Wojcik: "We have a former State Representative on the Floor, better known as Representative Francis Giglio. Frank, hello, how are you? Representative Zickus."

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Zickus: "The coach would be in violation of this law."

Speaker Wojcik: "Representative Deering."

Deering: "So then the...whether the parents support it or not it's just point specific that the coach would be in violation?"

Speaker Wojcik: "Representative Zickus."

Zickus: "Yes."

Speaker Wojcik: "Representative Deering."

Deering: "Thank you, Representative. No further questions."

Speaker Wojcik: "Is there any further discussion? Seeing none, Representative Zickus to close."

Zickus: "I would ask for your 'aye' vote."

Speaker Wojcik: "The question is, 'Shall House Bill 3617 pass?' All those in favor vote 'aye'; all those opposed vote 'nay'. The voting is open. This is final action. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question there are 112 'ayes' 0 'nays', 0 voting 'present'. And this Bill, having received a Constitutional Majority, is hereby declared passed. Mr. Clerk, what is the status of House Bill 3026?"

Clerk McLennand: "House Bill 3026. House Bill 3026 had been moved to the Order of Third Reading earlier today."

Speaker Wojcik: "Mr. Clerk, return the Bill to Second Reading. The committees will convene as scheduled and the House will now recess until the hour of 3:00 p.m."

Speaker Daniels: "The House will come to order. The Members will please be in their chairs. All those not entitled to the Floor will please retire to the Gallery. Committee Reports."

Clerk McLennand: "Committee Reports. Committee Report from Representative Biggins, Chairman from the Committee on

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Speaker Daniels: "Representative Currie."

Currie: "Thank you, Speaker. I rise with an inquiry of the Chair. It's come to our attention that there seems to be a reinterpretation of rules with respect to Amendments today in some of the Appropriations Committees. Our Members were not permitted to file Amendments, were not having those Amendments accepted on Bills that were posted for hearing. Now the rule says that Amendments are appropriate when a Bill is before a committee And this year we had assumed that if a Bill was posted for committee, it met the definition before the committee. There also has been a rule, I'm not sure whether it's written or just understood, that Amendments ought to be filed 24 hours before the committee. Well, if we can't file the Amendment unless the Chairman calls the Bill, and we don't have a clue whether the Chairman is going to call a particular Bill that is posted. It's a little hard to know when we get to file an Amendment. Now, would this also imply that when a Bill is on the House Floor, on Second Reading, we can't file an Amendment to the Bill, unless and until it is called on Second Reading? Speaker, you promised open procedures and open House when you took office in January of 1995, I don't think it's open procedures and an open House to deny

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Members the opportunity to file Amendments even in those rare instances when that was permitted in the past."

Speaker Daniels: "Representative, was the Bill called for a hearing?"

Currie: "Pardon me."

Speaker Daniels: "Was the Bill called for a hearing?"

Currie: "My understanding is that the Bill was not at that meeting, called for a hearing, but there was no way for the person who wanted to file the Amendment to know in advance whether or not it would be. And in fact, the Bill was..."

Speaker Daniels: "Just as it was, Representative when you were in the majority, when the Bill is called for a hearing, the Member may file his or her Amendment at that time. Representative Currie."

Currie: "Speaker, obviously unless the Bill is called, there will be no vote on the Amendment. We understand that, that's always been the practice. But, it certainly was never the practice before, as far as I know this year, not even last year, was it the practice to refuse to accept the filing of an Amendment on a Bill that was posted for a committee hearing. Never were people required to wait to see, to play the guessing game 'Will this Bill in fact be called or won't it?' But, it seems to me it doesn't matter because the Amendment wouldn't be called unless the Bill were heard. So, what's wrong with accepting the Amendment? What's wrong with letting a Member file an Amendment? "

Speaker Daniels: "Representative, a memo issued on January 10, 1996, which I'm sure you've got a copy of, which is the Chairperson's of Standing Committee referred to House Rule 5-4B which will require that the Amendments be filed during committee when the Bill is called. That was changed from previous time because of the effect of the number of

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Amendments that were filed to Bills that were never called. So, when the Bill is called, they will accept your Amendments. This issue regarding the 24 hour rule that you inquired into is a matter of a courtesy is not in the House Rule. That's a courtesy to both staffs so they can analyze it. Representative Currie."

Currie: "Thank you for that verification. I did not receive a copy of the new interpretation."

Speaker Daniels: "I'll get you one."

Currie: "I would suggest, Speaker, that if you want to alter course and deny us the opportunity to file Amendments with Committee Clerks, that it might be wise for you to change the rule, rather than to change the interpretation of the rule. And of course, you have every opportunity to do so. I would remind you that in 1994 the Members of your Party had every opportunity to file Amendments in committee and on the Floor. There were no restrictions, 24 hour or otherwise. And I would, just as a Member of this Chamber, suggest that it makes sense to permit the filing of an Amendment while the Bill is under consideration by a Committee, recognizing that the Amendment will not be heard until and unless the Bill is actually called. Finally, I did have a second question and that was, should we by implication understand that we can't file Amendments when Bills are on Second Reading on the Floor of this House until the Bill is actually called on Second Reading?"

Speaker Daniels: "No. You can file it on the Floor with the Clerk, by presenting them to the Clerk. Representative Currie."

Currie: "We really appreciate that courtesy."

Speaker Daniels: "You're welcome. House Bills - Third Reading. House Bill 3426. Please read the Bill."

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Clerk McLennand: "House Bill 3426, a Bill for an Act that amends the School Code. Second Reading of this House Bill. Committee Amendment #1, was adopted. Committee Amendments #2 and 3, were referred to Rules."

Speaker Daniels: "Third Reading. Excuse me, that Bill was House Bill 3426, was on Second Reading, been read a second time. Now it will be moved to Third Reading. House Bills - Third Reading. House Bill 3426. It had been read a second time previously. The Bill is now on Third Reading. Representative O'Connor."

Clerk McLennand: "House Bill 3426, a Bill for an Act to amend the School Code. Third Reading of this House Bill."

Speaker Daniels: "Representative O'Connor."

O'Connor: "Thank you, Mr. Speaker. Mr. Speaker, House Bill 3426 amends the School Code. It provides for a tuition charge to be made if a School Board determines that a nonresident pupil is improperly attending the district school on a tuition-free basis. And I'd be happy to answer any questions."

Speaker Daniels: "Is there any discussion? Representative Davis, you have your light on."

Davis, M.: "Thank you, Mr. Chairman. I think that you better listen to this legislation."

Speaker Daniels: "Representative Davis, on this Bill."

Davis, M.: "On this Bill."

Speaker Daniels: "Thank you."

Davis, M.: "It is certainly on this Bill. I have a question. If a person... Where is the Representative?"

Speaker Daniels: "Representative O'Connor is over here, Representative."

Davis, M.: "Okay. If a person has an illness in his or her immediate family, and is temporarily going to reside with

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another family member, are you saying that they must pay tuition to this other school district? You know, say it's a suburban area. Maybe the person is living in Country Club Hills and the mother is very ill and the child who is going to school has to now go and live with an older sibling, and that child registers, that older sibling is not going to get guardianship and you're saying that child would have to pay tuition in order to attend school in that other district?"

Speaker Daniels: "Representative O'Connor."

O'Connor: "No. This Bill is not saying that, Representative."

Speaker Daniels: "Representative Davis."

Davis, M.: "Sorry. I didn't hear your answer."

Speaker Daniels: "Ladies and Gentlemen, those people not entitled to the Floor will please retire to the gallery. Members of the press, can you please return to the press area. Sir? The Representatives could not hear the Debate. Representative O'Connor, could you please repeat the statement?"

Speaker Daniels: "Sir, Representatives could not hear the debate. Representative O'Connor, could you please repeat the statement?"

O'Connor: "I said 'no' to the Representative's question, Mr. Speaker."

Speaker Daniels: "Representative Davis."

Davis, M.: "You said that, that will not require a tuition payment by that nonresident student?"

Speaker Daniels: "Representative O'Connor."

O'Connor: "In the instance that you were referring to, the answer is no."

Speaker Daniels: "Representative Davis."

Davis, M.: "How long can that student attend the school in the

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nonresidential district without paying tuition?"

Speaker Daniels: "Representative O'Connor."

O'Connor: "Well, custody is exercised under a statutory short-term guardianship. Alright? Provided that within 60 days of the public enrollment, a court order is entered that establishes a permanent guardianship and grants custody to a person with whom the pupil resides for reasons other than to have access."

Speaker Daniels: "Representative Davis."

Davis, M.: "Representative O'Connor, are you saying that the sibling, the older sibling will have to go to court and get guardianship?"

Speaker Daniels: "Representative O'Connor."

O'Connor: "No. A short-term guardianship is a non-court proceeding. Non-court meaning not having to go to court."

Speaker Daniels: "Representative Davis."

Davis, M.: "What's a short-term? What's your time limit on short term?"

Speaker Daniels: "Representative O'Connor."

O'Connor: "The statute, as it sits right now provides for 60 days."

Speaker Daniels: "Representative Davis."

Davis, M.: "Do you know that people who have cancer, many times they linger and they suffer much longer than 60 days. And sometimes their children have to go and be under someone else's care for longer than two months before they get well. Did you know that?"

Speaker Daniels: "Representative O'Connor."

O'Connor: "Yes, I know that."

Speaker Daniels: "Representative Davis."

Davis, M.: "Two months really is not long enough for temporary guardianship or care so that a nonresident student does not



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have to pay tuition. Representative, can you give me who the opponents of this legislation are?"

Speaker Daniels: "Representative O'Connor."

O'Connor: "I'll have that answer for her in a second. There are no registered opponents to it, Representative."

Speaker Daniels: "Representative Davis."

Davis, M.: "Well, there are a lot of opponents to this legislation for the simple reason that it appears that it's going to be unfair to students, who for family circumstances or family situations, need to attend school in a different district. What is your real intent? What is the purpose of this legislation?"

Speaker Daniels: "Representative O'Connor."

O'Connor: "The intent of this legislation, Representative, is to improve our schools throughout the state."

Speaker Daniels: "Representative Davis."

Davis, M.: "You know there were thousands and thousands of parents down here a few minutes ago. This was not one of their concerns. Their concern was on funding of education, but it certainly was not to ask for tuition for nonresident students. What do you think the affect of this legislation will be?"

Speaker Daniels: "Representative O'Connor, it's 30 seconds left."

O'Connor: "Representative, the people that I've spoken to today from the education community seem to be in favor of this House Bill. And I think the overall reaction to this is going to be very favorable."

Speaker Daniels: "Representative Davis."

Davis, M.: "Is the IEA in support of this legislation? I don't believe they are. I believe they recognize that this is a piece of legislation that will further harm each and every educational district in the State of Illinois. The purpose

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and intent of your legislation, Representative, is to keep certain people out. The purpose and intent..."

Speaker Daniels: "Representative, your time has expired. Do you want to conclude your remarks?"

Davis, M.: "I would just urge everyone to take a real serious look at this very bad piece of legislation. It divides. It separates. It segregates. And vote 'no'."

Speaker Daniels: "Representative Younge."

Younge: "I wanted to yield my time to the Representative if she needed further time."

Speaker Daniels: "How about if we go to someone else and then we can do that? Representative Davis, go ahead."

Davis, M.: "Representative O'Connor, how many districts are there in the State of Illinois? How many school districts?"

Speaker Daniels: "Representative O'Connor."

O'Connor: "Representative, there's I believe over 900 school districts. The exact number I don't know, but it's over 900."

Speaker Daniels: "Representative Davis."

Davis, M.: "Representative, are there any school superintendents in support of this Legislation?"

Speaker Daniels: "Representative O'Connor."

O'Connor: "Illinois Statewide School Management is a proponent of this Bill."

Speaker Daniels: "Representative Davis."

Davis, M.: "Representative, do you think it'll harm children and harm families' opportunities to provide educational opportunities for their children when circumstances in their particular homes change?"

Speaker Daniels: "Representative O'Connor."

O'Connor: "No, Representative, I do not."

Speaker Daniels: "Representative Davis."

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Davis, M.: "When a school district loses children, is that school district going to have to pay your school district? Is that what you're saying? If somebody leaves my district and attends school in your district, does my school district pay the tuition or does that individual family pay the tuition?"

Speaker Daniels: "Representative O'Connor."

O'Connor: "Well, the parents would be responsible for the tuition if the child was attending a school that he was not a resident of."

Speaker Daniels: "Representative Davis."

Davis, M.: "Well, my problem with that is the State of Illinois is providing funding in a particular school district for children. Now this particular child all of a sudden there's a family problem and he or she has to attend school in another district. Now you're saying that family has to take money out of the family who is already in some problem. They got to take money out of their pocket and pay that tuition, rather than the district that they're coming from, paying that tuition."

Speaker Daniels: "Representative O'Connor."

O'Connor: "Representative, if a parent is paying tuition, that individual school would lose their state aid if there was tuition payment being made."

Speaker Daniels: "Representative Davis."

Davis, M.: "So if a family has a problem. A problem that would entail its children attending school in another district, that family not only has their problem, but they lose state aid. They now have to go into their pocket and pay tuition money for their student to continue get a public education. To get a public education, a family who is already in some kind of difficulty, which is the reason the student is

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attempting to attend school in another district. You're saying the State of Illinois no longer will be responsible for the tuition of that student. That now that student must revert to collecting money from the parent in order to provide a public education. Representative, do you not see the flaw in this?"

Speaker Daniels: "Representative O'Connor."

O'Connor: "Representative, I see absolutely no flaw in this piece of legislation."

Speaker Daniels: "Representative Davis."

Davis, M.: "Representative, the State of Illinois is mandated by the Illinois Constitution, Article 10 of the 1970 Constitution, to provide a free education for students who attend school in the State of Illinois. Now what you are saying, Representative, is if you have a family problem, you're mother is all of a sudden very ill or there is perhaps a divorce in the family. Maybe there's a divorce and the child for some reason has to temporarily go and live with the noncustodian parent. You are saying, Representative, that, that child is no longer entitled to a free and public education as the 1970 Constitution calls for. This is a deep-seated problem here. You are trying to deny a number of children, a public education and you're saying they now will have to pay. If there's a divorce and the child has to move suddenly."

Speaker Daniels: "You're time has expired, Representative. Can you bring your line of questioning to a close? Representative Davis. Are you going to yield your time to Representative Davis? Alright, Representative Davis."

Davis, M.: "Representative, what is the genesis of this piece of legislation?"

Speaker Daniels: "Representative O'Connor."

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O'Connor: "The genesis of it is to improve the educational system by enforcing the rules and the laws that are now in existence. Representative, the law, since 1963, current law provides that boards of education must charge nonresident pupils who attend the schools of their district, tuition in an amount not exceeding 110 per cent of the per capita cost of maintaining the schools of their district for the preceding year. Now, Representative, that is current law for the last 33 years. All my legislation is doing is trying to impact and enforce this law in a better nature."

Speaker Daniels: "Representative Davis."

Davis, M.: "Representative, who are the proponents of this legislation?"

Speaker Daniels: "Representative O'Connor."

O'Connor: "Representative, we have the Illinois Statewide School Management Alliance, Illinois Association of School Boards, Illinois Association of School Administrators, Legislative Education Network of the Page, and the Illinois Principals, Association. And there's actually two more, Representative, also."

Speaker Daniels: "Representative Davis."

Davis, M.: "Representative, how many families do you think will be affected by this legislation? Families who are already having some kind of difficulty which is the reason they're attempting to send their children to another school district in the first place. How many families do you think will be affected and what will be the cost to that family per child for this public education?"

Speaker Daniels: "Representative O'Connor."

O'Connor: "Representative, the only ones that this would effect would be those that are currently breaking existing law."

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So it really would affect no families other than the families that are violating the residency laws that are here for the school districts."

Speaker Daniels: "Representative Davis."

Davis, M.: "Excuse me, Representative. What about foster children? Children who are in foster homes, how will they be affected by this legislation?"

Speaker Daniels: "Representative O'Connor."

O'Connor: "Representative, children that the DCFS have placed would not be charged a tuition under this Bill."

Speaker Daniels: "Representative Davis."

Davis, M.: "So one way to get around your tuition for a public education would be for a family to have his or her child declared a ward of the state. One way to get around this terrible law would be to have your child placed under the auspices of Department of Children and Family Services. Now you claim you want to improve education, but what is it improving when you're placing a hardship and a burden, a financial burden on people who are already going through some difficulty and that's the reason they're choosing another educational resource that the state is already funding? A parent, perhaps a mother, a mother who is divorced, but who has custody of her children all of a sudden loses her job so she has to send the children to live some place else for a while. Where do you expect, Representative, for her to get the money to pay the tuition that you now want to charge her? Where, Representative, should she get that money? Is the State of Illinois, the State Board of Education going to provide it for her? Where is she to get the money to pay for the education of her children, a public education?"

Speaker Daniels: "Representative O'Connor."

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O'Connor: "Representative, the spirit of this legislation is not get 'around' the law. The spirit of this legislation isn't a divorced parent's case who has legal custody of the child, can send that child very legally to the district they reside in. This legislation is basically trying to keep the students going to the schools that they legally reside in. There is no intent here for anyone to get 'around' the existing rules. And people that attempt to get 'around' the existing rules should be caught and should be punished."

Speaker Daniels: "Representative Davis."

Davis, M.: "What's the punishment if a person violates your new rule? What will happen to them? What will happen to that mother who's lost her job and had to send her children to school with a family member outside of the residential district she lives in? What will you..."

Speaker Daniels: "Representative O'Connor."

O'Connor: "Representative, for knowingly providing false information, this would be a Class C offense."

Speaker Daniels: "Representative Hoeft."

Hoeft: "Thank you, Mr. Speaker. The question was raised, how many superintendents across the state will support this? I will tell you, virtually everyone. We have had for years a question of how do we codify guardianship and we have 900 different methods. Districts are asking for a procedure that they can follow when a student comes in, asking to live without their parents. I can tell you this Bill will do a great deal to protect those individuals who need to transfer between schools. It will also, because of the Class C Misdemeanor, stop students from coming into districts who are there for gang recruitment, who are trying to get away from their suspensions and expulsions.

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This is one of the best Bills in the General Assembly this Session for safety in the schools. The question was, how bad a Bill was this? The Bill passed out of Committee, 21-0. No one voted against it. This is a superior Bill. This is a Bill that will protect students, protect teachers, and is something asked for virtually by every single school district in this state."

Speaker Daniels: "Representative Dart."

Dart: "Will the Sponsor yield?"

Speaker Daniels: "He indicates he will."

Dart: "Representative, I just wanted to touch on a few points. One of them was what one of the prior speakers just talked about was the lack of opposition to this Bill. I've been given a sheet showing that the Coalition of Citizens With Disabilities in Illinois and the IL Association of School Social Workers are opposed to this Bill. Are you aware of that?"

Speaker Daniels: "Representative O'Connor."

O'Connor: "Representative, they did not file a slip and therefore I was not aware of it."

Speaker Daniels: "Representative Dart."

Dart: "And they also have a notation on their handout that they've given, that this Bill was voted out of the House Elementary and Secondary Committee, 21-0, but the witness slips were not read. And at least two witnesses in opposition to the Bill wanted to provide oral testimony to point out the flaws in the Bill, but were not given that opportunity. Were you aware of that as well?"

Speaker Daniels: "Representative O'Connor."

O'Connor: "Representative, I don't know that to be true and I'm not aware of that, no."

Speaker Daniels: "Representative Dart."



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Dart: "Thank you. The Clerk or whoever was in there might be the person to ask about this. But they did point out the fact that there was this unanimous vote, but they have a reason why they were saying it was not unanimous or should not have been, if they had an opportunity to voice their concerns. Because on their analysis they do provide some areas of concern for me. We, in this House, quite often are talking about getting people off the public doles and away from the state's assistance. If you have a situation where a child has been basically taken over by a family member, okay taken to live with, the state is not being asked. A single parent, the mother turns out to be a crack-head, the grandma comes in and takes the child and does not want the state involved with, does not want anything to do with it and then goes to enroll the child in the school. Under the interpretation of this Bill, that would not be able to be done. That is correct, isn't it?"

Speaker Daniels: "Representative O'Connor."

O'Connor: "Representative, if you're asking and maybe I misunderstood what you're saying, but if you're asking, I'm interpreting what you asked and I'll answer it this way. If the grandma is the other legal guardian of the child, she then could put the child in the school of their residency."

Speaker Daniels: "Representative Dart."

Dart: "That wasn't my question, though, because the problem is, Representative, is that with a quite of few of the people who take on situations like this, they don't want the state involved at all. And quite often, too as well, they do not have legal guardianship of these children because they do not know the process and frankly can't afford it to some extent. Now are those people 'out in the cold' here?"

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Speaker Daniels: "Representative O'Connor."

O'Connor: "Representative, actually in that case there, I think my Bill would be an asset to these people because it would give them at least a short term guardianship to have the child enrolled in the school. Whereas the current law really doesn't provide that. So I would interpret this Bill as being a safeguard against something like that."

Speaker Daniels: "Representative Dart."

Dart: "The reality is though, Representative, that unfortunately this Bill would not safeguard that. It would jeopardize those children because of the fact, there is no legal guardianship established there, which is quite often the case. I wish they would be legal guardians of these children, but quite often as I said, they don't want court involvement. They don't want state involvement. They just want to take care of their grandchild. And under the language of this Bill, that would become problematic at best, illegal at worst. There was some other matters as well. Apparently, these organizations have also laid out that there is numerous Appellate Court cases which establish residency and the residency requirements. Is it your intent to overturn all of those Appellate Court cases with this Bill?"

Speaker Daniels: "Representative O'Connor."

O'Connor: "No, our intent is not to overturn those court cases. No."

Speaker Daniels: "Representative Dart."

Dart: "Now in the Bill itself, it talks about and this is the other children, children who are wards of the state. It talks about they can remain in the old district when it's in their best interest. Who is to make that determination under your Bill?"

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Speaker Daniels: "Representative O'Connor."

O'Connor: "Would you please repeat that? I didn't catch the tail end of that."

Speaker Daniels: "Representative Dart."

Dart: "Who is to make the determination about the child's best interest according to the language of your Bill when the child wants to remain in a previous district that the child was in?"

Speaker Daniels: "Representative O'Connor."

O'Connor: "Would be the foster family and the school officials would make that determination."

Speaker Daniels: "Representative Dart."

Dart: "Is that actually, I didn't see that in the Bill. Is that provided somewhere in the Bill that that's how the 'Best interest determination' is going to be made? Because if it is, I can't find it anywhere."

Speaker Daniels: "Representative O'Connor, will you answer that question? The Gentleman's time has expired."

O'Connor: "I'm looking for it in the Bill right now, Representative. If you'll bear with me, I'll have somebody check that out."

Speaker Daniels: "Representative O'Connor."

O'Connor: "Representative, that is not specifically provided for in this Bill."

Speaker Daniels: "Further discussion? Representative Jones."

Jones, S.: "Thank you, Mr. Speaker. I yield my time to Monique Davis."

Speaker Daniels: "Representative Davis."

Davis, M.: "Thank you. Representative, Representative, where is he? One of the concerns that we have over here is that your real intent for this legislation is not being told. Do you have situations in which some of your school

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districts are overcrowded and can't accept students who live in those districts? Who really is it that you're attempting to keep out? Why don't you just spell it out for us? What children is it that you don't want to attend schools and tell us where it is you don't want those children attending school?"

Speaker Daniels: "Representative O'Connor."

O'Connor: "Representative, I have no idea in the world what you're talking about, about my intent. All we're trying to do here is, is to enforce the law that's been in place since 1963. We're trying to have children that are residents of a certain school district stay in their certain school district throughout the State of Illinois. This 'intent' you're making reference to is something I cannot even address."

Speaker Daniels: "Representative Davis."

Davis, M.: "Well, what you're really pointing out to us is that there's some school districts who are better off than other school districts. And are there times when one parent says, 'Well, my school district really doesn't have the resources of that school district's, so I'm going to lie and cheat and risk going to jail to put my child in that better school district that's better funded than the one where our children should belong'. Is that what's happening out there, Representative?"

Speaker Daniels: "Representative O'Connor."

O'Connor: "Representative, this piece of legislation has really very little or no dealings with parents who would lie and cheat. I mean if a parent is to lie and cheat, there's existing law in the books to rectify that matter."

Speaker Daniels: "Representative Davis."

Davis, M.: "Representative Winkel, do we have enough prison space

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to hold these terrible parents who will lie and cheat to get their children in school districts that are better than their own? Have we built enough prisons to take care of these terrible criminals who are seeking a better education for their children? Will we place these mothers and fathers in chain gangs, who send their children across a particular border in order to get a better education for them, Representative? Is that why you want a bond issue, so you can build better prisons for our parents?"

Speaker Daniels: "Representative O'Connor."

O'Connor: "It's a Class C Misdemeanor and there would be no jail time, really with a Class C Misdemeanor, Representative."

Speaker Daniels: "Representative Davis."

Davis, M.: "Representative, why not put in that legislation, that if this occurs over 30 days, perhaps the State Board of Education would fund the district wherever this kid is going. I mean, it just seems a bit unfair to say to an Illinois taxpayer, a person who works and lives in the State of Illinois, who temporarily needs the services of another school district, it just smacks of some kind of, I don't know what you would call it, but it smacks of some kind of un-American behavior for you to say to this American taxpayer, this Illinois resident, that 'you now cannot have a free education for your child.' Mother, sick, dying of cancer, divorced parent, sorry, the State of Illinois now says you got to go in your pocket and come up with tuition money if you want this child to go to school here because he or she is not a resident permanently of this particular district. Representative, I think this legislation is very narrow-minded. I think it is the kind of legislation that helps to divide our communities. There are no borders between Harvey and Country Club Hills.

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There are no fences there, Representative. We do recognize however, that the way our schools are currently funded with property tax, we do recognize that because the State of Illinois is not living up to its responsibility to equitably fund education, that parents are seeking other options. But your fear is that they'll come to your school district and partake of what you have to offer. That's very mean-spirited, Representative, you do agree?"

Speaker Daniels: "Representative Mitchell."

Mitchell: "Thank you, Mr. Speaker. I rise in support of Representative O'Connor's initiative. And as a former superintendent and one of the Representatives, did want to know if superintendents were in support of this. I can guarantee that every superintendent in the State of Illinois will be in support of this initiative. We have for years tried to protect our own taxpayers money. It's our responsibility to make sure that the money used in the school district is used for the people that have children in that school district. For students that come out of other districts into that district is a misuse of the taxpayer's money in that particular school district. Now I don't know how much clearer you can make it. It has absolutely nothing to do with the felony, with putting anybody in the jail. I don't know where those ideas came from, but somebody needs to study the legislation, see what the real intent was, and make sure they understand that they know what they're talking about. This has been a problem that has been with us forever and ever. If I had any problems with the Bill, I would say that it probably doesn't go far enough. But I applaud Representative O'Connor and the work that he's done on this issue. We need this Bill. We need to make sure that our taxpayers'

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money is protected so that we can get the best education possible for the students that reside in a particular area. If they want to go to school there, then they establish residence and it shows how to do that. It's not that hard. But to just allow students to hop, skip, and jump all over the place to pick a school district is not what our education system is all about. I applaud Representative O'Connor's initiative and everyone in here ought to vote 'yes' on this Bill, including Representative Davis. Thank you very much."

Speaker Daniels: "Representative Currie."

Currie: "Thank you, Speaker and Members of the House. I'm sure the Sponsor of this Bill is well-intentioned. I'm sure there are superintendents who are concerned about nonresidents taking up spaces in their schools. But think about the public policy implications here. We worry about the dropout rate. We want our kids to be in school. These are kids by definition who want to be in school, whose parents want them to be in school. To suggest that we should discourage that, to suggest that these people should be guilty of a misdemeanor, a criminal charge, I think goes exactly in the wrong direction. I cannot believe that the financial problem posed by the small number of children who are attending school in districts other than those of their home residence, I can't believe the fiscal problem it creates is worth turning their parents into criminals and discouraging them from taking advantage of the opportunity for a good education. Let's for a change, put our money where our mouths are. Let's say 'yes', let's keep these kids in school. Let's not turn them into one more dropout statistic. Let's say 'no' to House Bill 3426."

Speaker Daniels: "Representative Wennlund."

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Wennlund: "Thank you, Mr. Speaker. I move the previous question."

Speaker Daniels: "The question is 'Shall the main question be put?' All in favor say 'aye'; opposed 'no'. The 'ayes' have it. Representative O'Connor to close."

O'Connor: "Mr. Speaker, House Bill 3426 is very good responsive legislation and I would ask for a 'yes' vote."

Speaker Daniels: "The Gentleman moves for the passage of House Bill 3426. All those in favor will signify by voting 'aye'; opposed by voting 'no'. The voting is open. This is final action. Have all voted who wish? Have all voted who wish? Have all voted who wish? The Clerk will take the record. This question, there are 86 'ayes', 26 voting 'no', and 1 voting 'present'. This Bill, having received a Constitution Majority, is hereby declared passed. House Bill 1287."

Clerk McLennand: "House Bill 1287, a Bill for an Act that amends the Public Community College Act. Third Reading of this House Bill."

Speaker Daniels: "Representative Wirsing."

Wirsing: "Thank you, Mr. Speaker. House Bill 1287 deals with the adult education funding and a proposal that came together here this spring. Because of Representative Cowlshaw's involvement in this area for some time and because she did present the Amendment in committee, I, at this time would like for Representative Cowlshaw to give the presentation of the Bill."

Speaker Daniels: "Is there any discussion? Representative Gash."

Gash: "Mr. Speaker, I would just like to say that on House Bill 3426, I would like the record to reflect that I intended to vote 'yes'."

Speaker Daniels: "The record will so reflect. Representative



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Hoffman."

Hoffman: "Yes, will the Sponsor yield?"

Speaker Daniels: "Indicates he will."

Hoffman: "Mr. Speaker, I don't believe that he referred to Representative Cowlshaw who's going to explain the Amendment first and she hasn't done that yet."

Speaker Daniels: "Representative Cowlshaw, do you want to handle the question and the answer? Representative Cowlshaw."

Cowlshaw: "Thank you very much, Mr. Speaker. And thank you, Representative Wirsing, for giving me the opportunity to present this Bill. This Bill is the result of discussions amongst and between the Governor's office, the community colleges, the State Board of Education, and the IL Adult and Continuing Educator's Association. As many of you know, there has been a long-standing squabble about the funding of adult education here in Illinois. There are some of us, in fact, who believe that this squabble has gone on for so many years and there have been so many attempts made to resolve it, that we are almost in a state of shock to discover that House Bill 1287 is agreed to by absolutely everyone involved in the funding of adult education. This proposal is endorsed by the IL State Board of Education, the IL Community College Board, the IL Community College Trustees, the IL Adult and Continuing Educator's Association, the Community College Presidents' Council, and Governor Edgar. It proposes a funding formula based on increasing state funding in a commitment over several years, coupled with the implementation of a collaborative interagency agreement process for the distribution of those funds. Under this proposal, an annual interagency agreement would be reached between the State Board of Education and the IL Community College Board

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as to the allocation of these funds. That proposal is equally agreeable to both the State Board of Education and all entities that represent community colleges. That's what the Bill does. It is remarkable that we have finally resolved these conflicts and I would be glad to answer any questions."

Speaker Daniels: "Representative Hoffman."

Hoffman: "Yes, will the Sponsor yield?"

Speaker Daniels: "She indicates she will."

Hoffman: "I would like to just say finally, finally we have something that I believe goes in the right direction. But I think for clarification over here on this side of the aisle, is there a cost to this Bill?"

Speaker Daniels: "Representative Cowlshaw. Representative Kubik in the Chair."

Cowlshaw: "There is not necessarily any cost involved in this. It would be possible for this to work just fine if we only appropriated the same amount of money for the next fiscal year as we appropriated for this fiscal year. However, I do need to point out to you that the Governor has requested an increase of 3 million dollars in the funding level for adult education. That represents a 41.2 % increase."

Speaker Kubik: "Representative Hoffman."

Hoffman: "Well, to the Bill. I think that we need to vote in favor of this. It's my understanding that this Amendment, the service providers believe that they will have increased access to policymakers through the interagency agreement between the State Board of Education and the IL Community College Board. It's my understanding that there will be hearings that will take place and regularly scheduled board meetings throughout the state in order to assess these interagency agreements to ensure that adult education

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programs are improved in this state, to ensure that they are made available, and to ensure that they are adequately funded. I would just ask for an 'aye' vote."

Speaker Kubik: "Further discussion? The Chair recognizes the Lady from Cook, Representative Davis."

Davis, M.: "Thank you, Mr. Speaker. I just have a few questions of the Sponsor."

Speaker Kubik: "Sponsor indicates she'll yield."

Davis, M.: "Representative, is this the legislation that will provide reimbursement to agencies that provide GED instructions based upon those who graduate or take the test?"

Speaker Kubik: "Representative Cowlshaw."

Cowlshaw: "This legislation has absolutely nothing whatsoever to do with GED testing or who pays for it. It has to do with adult education programs offered through high schools and community colleges. Let me repeat. It has nothing whatsoever to do with GED testing or who pays for it."

Speaker Kubik: "Representative Jones. Davis, I'm sorry. Representative Davis."

Davis, M.: "We have, excuse me, Mr. Speaker. We have found that the proponents of this Bill are the State Board of Education, Community College Board, Community College Trustees, the Governor, and the President's Council. And that what it does is provide funding for this adult education and we therefore are also in support of it. Thank you."

Speaker Kubik: "Further discussion? The Chair recognizes the Lady from Cook, Representative Jones. She does not wish to speak. The Chair recognizes the Gentleman from Jefferson, Representative Jones."

Jones, J.: "Thank you, Mr. Speaker, Ladies and Gentlemen of the

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House. I would like to just take a moment to introduce someone in the gallery. A person from my district who was nominated by the IL Agri-Women for Mother of the Year, Mrs. Louise Cabot and her husband, Melvin is up here in the gallery right up above me. And I would like for you to recognize her as Mother of the Year in the State of Illinois."

Speaker Kubik: "Further discussion? Seeing none, Representative Cowlshaw to close."

Cowlshaw: "Mr. Speaker, I think that one courtesy ought to lead to another. Representative Wirsing in considerable generosity gave me the opportunity to present this Bill. In turn, Mr. Speaker, may I please ask you to recognize Representative Wirsing to close?"

Speaker Kubik: "The Chair recognizes the Gentleman from DeKalb, Representative Wirsing."

Wirsing: "Mr. Speaker, in closing on this important piece of legislation as Representative Cowlshaw already indicated, this has been an ongoing battle and finally, everybody came into the room and met for several hours to come to this agreement. And I think because of that, we need to recognize that and it emphasizes the strong need for a 'yes' vote here today, relative to House Bill 1287. And that simply is what I'm asking for."

Speaker Kubik: "The question is, 'Shall House Bill 1287 pass?' All those in favor will vote 'aye'; all those opposed will vote 'no'. The voting is open. This is final action. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, please take the record. On this question, there are 115 voting 'aye', 0 voting 'no', 0 voting 'present'. And this Bill, having received a Constitution Majority, is hereby declared passed. The

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Chair recognizes the Gentleman from Jo Davies, Representative Lawfer, for an announcement."

Lawfer: "Thank you, Mr. Chairman, Ladies and Gentlemen of the General Assembly. I rise on a point of personal privilege to recognize some representatives from Kraft Foods that are now in the gallery. Kraft Foods is located at headquarters in Northfield, Illinois, employing over 8,000 people in Illinois. But, I think it's distinct that Kraft Foods started in Stockton, Illinois, my hometown. John Kraft started a cheese factory there in 1914 and 36 dairy farmers hauled milk into Kraft Foods at that time in 1914. So, the roots are very deep at Kraft in Stockton as well as in the State of Illinois. I have a couple of points of information that Members of the General Assembly may find interesting. If you lined up all the Kraft macaroni and cheese dinners sold since the product was introduced in 1937, it would stretch between New York and Los Angeles 247 times. Since 1988, the wiener-mobile has traveled enough miles from the moon to the earth eight times and that one in every 10 cows in America, their milk used for Kraft products. Also, the Kraft Plant at Stockton is the largest Swiss cheese plant in the United States. So, I am proud...with that, I recognize the ladies and gentlemen from Kraft Foods there in the gallery and their total national sales are over \$16 billion dollars annually. I think that...thank you, Mr. Chairman."

Speaker Kubik: "The Chair recognizes the Lady from Cook, Representative Mulligan."

Mulligan: "Thank you, Mr. Speaker. I also rise on a point of personal privilege, although it's somewhat difficult to follow Representative Lawfer. But I would like to introduce the women from BPW Illinois, Business and

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Professional Women, their state president, past-president, and president-elect, and many members who are here today visiting the General Assembly. And many of the women Legislators are also members of this organization who are in the gallery right up here."

Speaker Kubik: "The Chair recognizes the Gentleman from Clinton, Representative Granberg."

Granberg: "Thank you, Mr. Speaker. I want to thank Representative Lawfer for that information because I had no idea and I need to get a copy of that, Representative, so I can keep that. And for an inquiry of the Chair, Sir, I also understand this afternoon that Representatives Klingler and Poe are going to be introducing the Republican Tax Increase Amendment as a result of the rally. Is that true? Representatives Klingler and Poe are going to be introducing that Amendment today?"

Speaker Kubik: "The Chair recognizes the Gentleman from Cook, Representative Morrow."

Morrow: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. Since today seems to be personal privilege day, I guess I'm going to take my 'shot' also."

Speaker Kubik: "State your point."

Morrow: "I hope that when the more important matters that we need to consider in this House, such as the budgetary process, that we are allowed the same amount of time to discuss and debate the budget, which we weren't allowed last spring. So, hey, let's just hope this spring that we also have personal privilege to see the budget, debate the budget, and vote on the budget, agency by agency. Thank you."

Speaker Kubik: "Before we get to Representative Davis, we would like to take a moment and welcome to the House, Shirley Madigan, who is the President of the IL Arts Council.

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Let's give a warm welcome to Shirley Madigan. The Chair recognizes the Lady from Cook, Representative Davis."

Davis, M.: "Thank you, Mr. Speaker. I'd also like to say on a point of personal privilege....that we."

Speaker Kubik: "State your point."

Davis, M.: "We are joined today by legislative interns and legislative interns from Illinois State University, from Sangamon State University. And they should all come up front to get a picture. All of the interns that are visiting, let's have a big round of applause for those interns that are here learning how legislation is passed here. Thank you."

Speaker Kubik: "Thank you, Representative Davis. Third Reading. House Bill 3638. The Chair recognizes the Lady from McHenry, Representative Hughes."

Speaker Kubik: "Mr. Clerk, please read the Bill."

Clerk Rossi: "House Bill 3638, a Bill for an Act amending the Counties Code. Third Reading of this House Bill."

Speaker Kubik: "The Chair recognizes the Lady from McHenry, Representative Hughes."

Hughes: "Thank you, Mr. Speaker. House Bill 3638 is a Committee Bill addressing the Counties Code. It has three portions. The first portion gives the authority to counties to demolish, repair, or enclose or cause to be demolished, repaired or enclosed, dangerous and unsafe buildings or uncompleted and abandoned buildings. The second portion of the Bill contained in Amendment #1 allows for county boards to enter into written agreements with financial institutions for the placement of check-cashing or ATM services or both at any county office building, including courthouses. This would not apply to county office buildings in which there exists a currency exchange or a

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credit union at the effective date of this Amendatory Act. The third provision of this Bill is a technical change for the community mental health authorities, changing the title of the County Care for Mentally Retarded and Developmentally Disabled Persons Act to the County Care for Persons With Developmental Disabilities Act. It also deletes the term, 'persons with a mental illness' and uses the term, 'developmental disability,' instead. It makes no other changes. It is simply a technical correction in terms of titles. Be happy to answer questions."

Speaker Kubik: "The Lady moves for the passage of House Bill 3638 and on that is there any discussion? The Chair recognizes the Gentleman from Madison, Representative Hoffman."

Hoffman: "Yes, will the Sponsor yield?"

Speaker Kubik: "The Sponsor indicates she will yield."

Hoffman: "Been such a long time. With regard to the Bill, first of all, it's my understanding there are essentially three provisions. The first provision allows county boards that demolish buildings not in municipalities. The second one allows counties to have ATM machines. And the third one makes the name change, which I think is totally appropriate. Is that correct? Those are the only three things that this Bill does, those three things?"

Speaker Kubik: "Representative Hughes."

Hughes: "That is correct."

Speaker Kubik: "Representative Hoffman."

Hoffman: "With regard to the first one, couldn't county boards and counties already do that now based on a nuisance statute?"

Speaker Kubik: "Representative Hughes."

Hughes: "No, and that's the reason we have this legislation. This is a power that municipalities have. It mirrors the



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power of municipalities. Counties, currently if they have boards of health, can exercise this authority in municipalities with populations under 50,000, but they do not have that authority for unincorporated areas. Because of that lack of authority, this is an issue that has been brought forward by a municipality because of a situation that exists right outside of its borders and the county is unable to assist them in resolving the problem."

Speaker Kubik: "Representative Hoffman."

Hoffman: "And is the Metro Counties Organization in favor of this Bill or do they have any position that you know of? They're not against it?"

Speaker Kubik: "Representative Hughes."

Hughes: "I'm aware of, I take that back, I was going to say no opposition to this Bill, but I believe Farm Bureau did file a slip in opposition. They did not testify so I'm not real clear as to what their concerns are. The provisions, the safeguards, the notice requirements in this Bill are identical to those that apply to municipalities. DuPage County Conference of Mayors and so forth is in support of this Bill."

Speaker Kubik: "Representative Hoffman."

Hoffman: "With regard to the ATM's, we are allowing them to put ATM's in the county buildings for the use of the general public as well as employees. Do we need legislation to do that or couldn't we already do that already?"

Speaker Kubik: "Representative Hughes."

Hughes: "Yes, we need legislation for that. It provides for it to done on a competitive basis and as I said, only where there are not currently existing credit unions or whatever."

Speaker Kubik: "Representative Hoffman."

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Hoffman: "Well, I don't personally see any problems with this Bill. I think it's a good piece of legislation. And I normally and now consistently along with my good friend, Representative Hartke, been a strong advocate for standing up for the interests of agriculture economy and the Farm Bureau. They have not talked to me and I haven't heard from them. So I can only assume that their opposition, if there was any, has been removed. So, I don't want to say that there is opposition or isn't. I don't see any problem with the Bill and I'm going to support it."

Speaker Kubik: "Further discussion? Seeing none, Representative Hughes to close."

Hughes: "I would ask for a 'yes' vote on this Bill. Thank you."

Speaker Kubik: "The Lady has moved for the passage of House Bill 3638. All those in favor of the Bill will vote 'aye'; all those opposed will vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 115 voting 'aye', 0 voting 'no', and 0 voting 'present'. This Bill, having received a Constitutional Majority, is hereby declared passed."

Speaker Kubik: "Committee Announcements."

Clerk Rossi: "The House Rules Committee will meet today at 4:15 in the Speaker's Conference Room. Repeating, the House Rules Committee will meet today at 4:15 in the Speaker's Conference Room."

Speaker Kubik: "We will now proceed to Third Reading. Mr. Clerk, read House Bill 3668."

Clerk Rossi: "House Bill 3668, a Bill for an Act amending the Criminal Code of 1961. Third Reading of this House Bill."

Speaker Kubik: "The Chair recognizes the Gentleman from Cook, Representative O'Connor."

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O'Connor: "Thank you, Mr. Speaker. House Bill 3668 amends the Criminal Code of 1961 relating to the imposition of the death penalty for first degree murder. This House Bill provides that the killing of an individual who is a senior citizen, 60 years of age or older or a disabled person is an aggravating factor for which the death penalty may be imposed. And I'd feel free to answer any questions."

Speaker Kubik: "The Gentleman has moved for the passage of House Bill 3668. And on that, is there any discussion? The Chair recognizes the Gentleman from Cook, Representative Dart."

Dart: "Thank you. Will the Sponsor yield?"

Speaker Kubik: "The Sponsor indicates he'll yield."

Dart: "Representative, this would be in addition to the aggravating factors that would allow for the imposition. Is that correct?"

Speaker Kubik: "Representative O'Connor."

O'Connor: "Representative, I'm sorry I couldn't hear you."

Speaker Kubik: "Representative Dart, could you repeat the question? And could we have a little bit of order here, so that we tone down, so that the people can hear the questions being asked? Representative Dart."

Dart: "Representative, this is merely going to add another aggravating factor that can be used to give the imposition of the death penalty. Is that correct?"

Speaker Kubik: "Representative O'Connor."

O'Connor: "Yes, that is correct."

Speaker Kubik: "Representative Dart."

Dart: "Does this change or does it duplicate any death penalty provisions that are presently on the books right now dealing with age factors?"

Speaker Kubik: "Representative O'Connor."

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O'Connor: "No, it does not."

Speaker Kubik: "Representative Dart."

Dart: "Do we have an estimate from the prison system about how many people this would affect?"

Speaker Kubik: "Representative O'Connor."

O'Connor: "The only statistic we could come up with, I believe, was in 1992. There were 71 people charged that would fall under this."

Speaker Kubik: "Representative Dart."

Dart: "So in 1992 there was 71 people charged in that year with murder of a senior or a disabled person. Was that correct?"

Speaker Kubik: "Representative O'Connor."

O'Connor: "Yes, that is correct."

Speaker Kubik: "Representative Dart."

Dart: "Did Department of Corrections, were they able to indicate to you how many people who are presently on death row, ones that would come under this heading?"

Speaker Kubik: "Representative O'Connor."

O'Connor: "We don't know those numbers, Representative, no."

Speaker Kubik: "Representative Dart."

Dart: "Or did they have numbers on how many people are presently serving time in the Illinois Department of Corrections for murder, who would have been eligible for the death penalty with this?"

Speaker Kubik: "Representative O'Connor."

O'Connor: "There's approximately 350 people eligible for the death penalty now."

Speaker Kubik: "Representative Dart."

Dart: "Just so we're clear, what I was trying to find out was, of all the people who are presently in our prison system right now for murder, how many of those would have been eligible

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for the death penalty if this provision was on the books, just to give an idea of how many people of the population we're talking about?"

Speaker Kubik: "Representative O'Connor."

O'Connor: "Tom, the records were not kept for those type of statistics. We tried to inquire and find them and we just couldn't."

Speaker Kubik: "Representative Dart."

Dart: "This is my final question. Did Department of Corrections, did they come up with a dollar figure on how much this might cost us because of the fact that the people on death row will, they'll require either an expansion of death row and/or just the extra time that it takes with the people who are death row because of the use of the appellate process in dragging these things out?"

Speaker Kubik: "Representative O'Connor."

O'Connor: "Representative, the Department of Corrections stated to us that it would be a very minimal physical impact on their agency."

Speaker Kubik: "Representative Dart."

Dart: "No further questions. Thank you."

Speaker Kubik: "Further discussion? The Chair recognizes the Gentleman from Washington, Representative Deering."

Deering: "Thank you, Mr. Speaker. Will the Sponsor yield?"

Speaker Kubik: "The Sponsor indicates that he will yield."

Deering: "Representative, looking here at the analysis, this says that 'the death penalty can be given for or towards someone who murders a disabled person or a senior citizen.' The key word here though is may. Why isn't the word, 'shall' used instead of 'may'?"

Speaker Wojcik: "Representative Wojcik in the Chair. Representative O'Connor."

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O'Connor: "Representative, it's just an aggravating factor to the murder itself."

Speaker Wojcik: "Rules will meet immediately in the Speaker's Conference Room. Representative Deering."

Deering: "Representative, if we're going to get tough on crime and show that we mean business here in this state and you know we want to do more than just slap a criminal's hands and they're convicted beyond a reasonable doubt of the offensive murder, then why don't we give them the death penalty? Why are we still coddling these inmates who we're going to be paying for, for 20, 30, or 40 years? Why don't we pull the Bill out of the record, change the wording, make the wording, 'shall' instead of 'may'? Would you be willing to do that?"

Speaker Wojcik: "Representative O'Connor."

O'Connor: "No, I would not, Representative."

Speaker Wojcik: "Representative Deering."

Deering: "Well, I'm kind of disappointed in that. I think that would be a good tough on crime initiative, especially from your side of the aisle. They're wanting to be showing how they're tough on crime. Another question here. Under the current statute, there's several sections where the death penalty may be given in a conviction dealing with if the person, if the murdered individual was a police officer, fire fighter, or Department of Corrections employee killed in the line of duty, if two or more people were killed, if it was a result of a hijacking, a contract killing, or if the victim was 12-years-old or younger. What about the poor innocent individual who might be in his or her mid-30's who might be raising a family, someone breaks in their home and murders them and they're convicted of the murder? According to the statute, that individual would

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not be eligible for the death penalty. Why didn't we include that in your language here?"

Speaker Wojcik: "Representative O'Connor."

O'Connor: "Representative, under the example you just used, that individual would definitely be eligible for the death penalty."

Speaker Wojcik: "Representative Deering."

Deering: "Is that under the current statute already?"

Speaker Wojcik: "Representative O'Connor."

O'Connor: "Yes, it is."

Speaker Wojcik: "Representative Deering."

Deering: "Okay, does anything in your Bill shorten the appeal time for inmates who are death row?"

Speaker Wojcik: "Representative O'Connor."

O'Connor: "I think some previous legislation that we passed out of this House dealt with that measure. This particular Bill does not."

Speaker Wojcik: "Representative Deering."

Deering: "Thank you."

Speaker Wojcik: "Any further discussion? Seeing none, Representative O'Connor to close."

O'Connor: "I would ask for a 'yes' vote on this piece of legislation."

Speaker Wojcik: "The question is, 'Shall House Bill 3668 pass?' All those in favor vote 'aye'; all those opposed vote 'nay'. The voting is open. This is final action. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 101 'ayes', 6 'nays', 7 voting 'present'. And this Bill, having received a Constitutional Majority, is hereby declared passed."

Speaker Wojcik: "Mr. Clerk, please read House Bill 2028."

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Clerk McLennand: "House Bill 2028, a Bill for an Act that amends the Criminal Code of 1961. Third Reading of this House Bill."

Speaker Wojcik: "The Gentleman from Cook, Representative McAuliffe."

McAuliffe: "Thank you, Madam Speaker and Ladies and Gentlemen of the House. House Bill 2028 would hopefully correct the situation in Chicago on the northwest side where I am from, where we have a lot of single family homes being converted to rooming houses and boarding houses. As many as 20 or 25 cubicles are created in what used to be a bungalow and they're rented out for approximately \$100 a week. And currently the penalties are so low that the landlords that own the buildings don't care about the penalty because they're making so much money. It creates a terrible safety hazard. We had a fire in Representative Bugielski's district where a person was killed and when the fireman came, they found the house was divided up into small cubicles and they were renting it out to immigrants. These people take advantage of the immigrants. They help run the neighborhoods down. Often 20 people or more are living in one house. They all have a car and it's impossible to park your car in front of your own house. This Bill would raise the penalty and upon second conviction, make it a felony and it would apply only to the City of Chicago. I'd be happy to answer any questions if I can."

Speaker Wojcik: "Is there any discussion? The Gentleman from Cook, Representative Dart, is recognized."

Dart: "Thank you. Will the Sponsor yield?"

Speaker Wojcik: "He indicates he will."

Dart: "Representative, was this Representative Blagojevich's Bill?"



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Speaker Wojcik: "Representative McAuliffe."

McAuliffe: "It's Representative Blagojevich and my Bill now."

Speaker Wojcik: "Representative Dart."

Dart: "Is Representative Blagojevich is a Cosponsor of this with you, though? Okay. In regards to the Bill itself though, you're mentioning the problems that you have been having in the area. Is the Realtor's Association, are they still opposed to this Bill?"

Speaker Wojcik: "Representative McAuliffe."

McAuliffe: "The Realtors' Association is opposed to it. And in committee, they testified that they were working on it. And that when they sold houses, they inspected them prior to the sale. Well, that's not the problem. The house next door to me where I was born on Melrose Street, was sold and when it was sold, it was a single family house. And within a month, they had another door built on the opposite side. They put a staircase in. They moved about 20 people in. So, the Real Estate Board can't really do anything about it. The problem is created after they sell the house. And they really don't care how many people they crowd into the house. They have 20 cars and they buy 10 sets of license plates. They put a license plate on the back of the car; never put one on the front. So, one set of plates handles two cars and it just congests the neighborhood, and runs the property value down."

Speaker Wojcik: "Representative Dart."

Dart: "There's nothing in this Bill about license plates, though, is there?"

Speaker Wojcik: "Representative McAuliffe."

McAuliffe: "No, but maybe we'll entertain that next time."

Speaker Wojcik: "Representative Dart."

Dart: "Thank you. Does this Bill apply statewide or is this Cook

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County only?"

Speaker Wojcik: "Representative McAuliffe."

McAuliffe: "It applies only to the City of Chicago. You probably don't have that problem in your neighborhood, but you can ask Representative Bugielski. We have it in ours. I have one on the block next to me right now."

Speaker Wojcik: "Representative Dart."

Dart: "We have it every once in awhile, but probably not with the frequency that you have it. What I'm looking for, what triggers this though? There has to be a housing or safety code violation first. Is that correct?"

Speaker Wojcik: "Representative McAuliffe."

McAuliffe: "Yes, they have to be convicted once already and then ignore that. And that's what they do because there's such a big profit in this, they don't care. The fines are so low that they don't care. They just go right on doing it. They're charging the people \$100 dollars a week for a little cubicle and a bed. And sometimes they cook a pot of stew and they feed them, charge them for that, too. But they take advantage of people that have come into the country from outside of America, probably mostly from Europe. And they take advantage of them and they're just like vultures. They breed on them, feed on them."

Speaker Kubik: "Representative Kubik in the Chair. Representative Dart."

Dart: "Thank you. So then they, once the Housing Department has come out and inspected, given them the first citation, and then they have basically ignored and done it again, then the penalties start kicking in. Is that correct?"

Speaker Kubik: "Representative McAuliffe."

McAuliffe: "I had difficulty hearing what you said. But, what happens is on the second conviction, it could be a felony

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and they could go to jail or they could pay a much bigger fine and maybe the bigger fine will get their attention."

Speaker Kubik: "We're having some difficulty hearing in the chamber, so could we keep the noise level down? Representative Dart, do you have any further questions? Representative Dart."

Dart: "So, Representative, just so that we're clear, then. There is no violation for the first time they're caught by the Housing Department? That's when they're put on notice, so that none of these folks can later come in and say, 'Well, I didn't know any better, I didn't know anything.' Because they've already been issued one citation for a housing violation or a safety code violation and this is the second time this has occurred. Correct?"

Speaker Kubik: "Representative McAuliffe."

McAuliffe: "That's correct."

Speaker Kubik: "Representative Dart."

Dart: "And a final question, then. Is there any mechanism in this Bill or has there been any discussions with the City of Chicago to increase the follow-up on this so that there is some degree of follow-up so that we can catch some of these folks?"

Speaker Kubik: "Representative McAuliffe."

McAuliffe: "Well, in my ward, the 38th Ward, Alderman Allen has a task force of building inspectors. And when this was called to his attention, he has a big board in his office and they go back to check on the houses frequently. But, it's an overwhelming problem. There's so many of them, they don't have the time and when they go to court, oftentimes nothing happens. So, it's a real big problem and I know in our ward especially, Alderman Allen is very concerned about it. And he takes prompt action, but we're

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overwhelmed by the volume of it. So, this is a way to get their attention through their pocketbook. They seem to care a lot about their pocketbook because they're very greedy. And if they get a big fine, maybe they'll think twice about it instead of having 20 cubicles, maybe they'll cut it down to 10."

Speaker Kubik: "Further discussion? The Chair recognizes the Gentleman from Cook, Representative Blagojevich. Welcome, Representative Blagojevich."

Blagojevich: "Thank you, Mr. Speaker. I would like to provide a few remarks about this Bill and some insights. This was a Bill, incidentally, that passed in 1994 unanimously by 114-0 out of this House. And I had the good fortune of being the Chief Sponsor back in 1994. And I'd like to commend Representative McAuliffe for taking the Bill this year and shepherding it through the House. I would encourage every Member to vote for it. This is a problem that not only occurs in the northwest side of Chicago, it also occurs in the southwest side. And if these illegal boarding houses that Representative McAuliffe spoke about, we're talking about people who are exploiting immigrants to make large sums of money and requiring them to live in unsafe housing conditions. And this is a legislation that is long overdue. And so I'm here urging support of this Bill, commending Representative McAuliffe for shepherding this Bill through the House. And I just wonder if it might be okay if you could put my name back on the Bill because it used to be on the Bill? And I know it's hard to say and it's hard to spell, but I'd be happy to help you. And whatever we can do to help you pass this Bill in the Senate, count on us because again this is long overdue and I think a 'yes' vote is appropriate. Thank you."

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Speaker Kubik: "Further discussion? The Chair recognizes the Gentleman from Kankakee, Representative Novak."

Novak: "Yes, thank you, Mr. Speaker. Will the Sponsor yield please?"

Speaker Kubik: "The Sponsor indicates he will yield."

Novak: "Representative, would this also apply to landlords who fail to keep their building codes up to par and within specific communities? In other words, because of the way I read in my analysis, if they allow the condition of the building to get to a point where it endangers the safety and health of the individual inhabitant, they would be liable. Is that correct?"

Speaker Kubik: "Representative McAuliffe."

McAuliffe: "That's correct."

Speaker Kubik: "Representative Novak."

Novak: "So we can say that if some 'slumlord' owned a six flat and he kept it in such terrible condition and the city couldn't do anything because of certain legal things, couldn't get them through court, we could use this state law since it creates now a new criminal offense. Is that correct?"

Speaker Kubik: "Representative McAuliffe."

McAuliffe: "Yes, we could use it and it become very useful in the City of Chicago. Why we had a house in our ward that was full of rats. And the people just defied the Alderman and the City Sanitation Department and finally, they had to come in and clean the whole house out. And it took them about four days and about 10 truckloads of junk to get the house cleaned out. So, this is another way we could prosecute those type of people."

Speaker Kubik: "Representative Novak."

Novak: "Representative McAuliffe, I applaud you. I would love to

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be a Cosponsor of this Bill. We have some serious housing stock problems in the City of Kankakee and our local newspaper has been taking pictures and printing them in the paper because of the landlords refuse to fix their homes and refuse to fix the buildings that they rent out to people, some low income people, some not low income people. And some of the homes are in such bad shape. They're way below standards as far as plumbing and electrical codes are concerned. So, I think this is a good start and would really enjoy and appreciate being a Cosponsor of this Bill. I think it's an extra avenue we can go forth to try to prosecute these people. One last question, who is in charge with enforcing the law? Is it the local police department or the state's attorney or what?"

Speaker Kubik: "Representative McAuliffe."

McAuliffe: "Well, the state's attorney always going to prosecute, but usually the offenses are brought to the attention of the Alderman and then he goes to housing court."

Speaker Kubik: "Representative Novak."

Novak: "Well, in Kankakee we don't have a housing court as such or we have municipal courts. But where would they go in the areas outside the City of Chicago that don't have housing courts?"

Speaker Kubik: "Representative McAuliffe."

McAuliffe: "Well, Representative Novak, this only affects the City of Chicago. Next year if you have a Bill, I'd be happy to support your Bill. But, in an effort to get a problem in my neighborhood solved, I didn't want to make it too controversial."

Speaker Kubik: "Representative Novak."

Novak: "Representative McAuliffe, I understand and I appreciate that. I wish we could make this statewide because in

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cities all over the State of Illinois we have this problem, not only in Chicago. But hopefully next year we can broaden this and expand the police powers in this respect. Certainly ask all of my colleagues to support this Bill."

Speaker Kubik: "Further discussion? Seeing none, Representative McAuliffe to close."

McAuliffe: "Simply ask for your favorable vote."

Speaker Kubik: "The Gentleman has moved for the passage of House Bill 2028. The question is, 'Shall House Bill 2028 pass?' All those in favor will vote 'aye'; those opposed will vote 'no'. The voting is open. This is final action. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, please take the record. On this question, there are 115 voting 'aye', 0 voting 'no', 0 voting 'present'. And this Bill, having received a Constitutional Majority, is hereby declared passed."

Speaker Kubik: "Committee Reports, Mr. Clerk."

Clerk McLennand: "Committee Reports. Committee Report from Representative Churchill, Chairman for the Committee on Rules, to which the following Joint Action Motions were referred, action taken on March 27th, 1996, reported the same back 'do approve for consideration' to the Floor Amendment #2 to House Bill 2557. Floor Amendment #2 to House Bill 2576. Floor Amendment #2 to House Bill 3048. Floor Amendment #2 to House Bill 3510. Floor Amendment #7 to House Bill 3455. And Floor Amendment #1 to House Bill 3395. These have all been 'approved for consideration'."

Speaker Kubik: "We will now go to the Order of House Bills Second Reading. Mr. Clerk, please read House Bill 2557."

Clerk McLennand: "House Bill 2557, Bill's been read a second time previously. Committee Amendment #1, was adopted. Floor Amendment #2, offered by Representative Wojcik, is

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'approved for consideration'."

Speaker Kubik: "The Chair recognizes the Lady from Cook, Representative Wojcik, on Floor Amendment #2."

Wojcik: "Thank you, Mr. Speaker and Members of the House. Amendment #2 specifies that the coverage for a follow-up for mothers and newborns who are discharged prior to the 48 hour and 96 hour minimum for Cesarean hospital stay must include coverage for a physician office visit or an in-home nurse visit, removes the provisions that apply the Bill's requirements to administrators of health-benefit plans or self-insured. It also makes various clarifications. Mr. Speaker, we have had extensive negotiations on this Bill. It's called the Drive-Through Delivery Act and we are now in accord and so I would ask for it's favorable passage."

Speaker Wojcik: "The Lady has moved for the adoption of Floor Amendment #2. And on that is there any discussion? The Chair recognizes the Lady from Cook, Representative Schakowsky."

Schakowsky: "Thank you, Mr. Speaker. Will the Sponsor yield?"

Speaker Wojcik: "The Sponsor indicates that she will yield."

Schakowsky: "Thank you. First, let me say to the Sponsor that I appreciate all the work that's been done on this legislation. We have had extensive hearings in Health Care and Human Services. But, I do have a couple of questions about the Amendment and ways in which it changes the Bill from it's original form. The concern that we're trying to address here is that insurance companies are not covering 48 hours for a vaginal delivery, 96 hours for a Cesarean Section. And are, in fact, pushing women out of the hospital. So, this Bill, my understanding, is of course is to require that, that amount of time be covered. My fear is that in the Amendment 2 where it describes the instances



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for shorter stays may be given, that we once again leave the discretion, let me put it this way, that physicians can be pressured to send their patients home too early because as long as they follow the guidelines that have been developed by the American College of Obstetricians and Gynecologists, they can send somebody home after 12 hours or 24 hours. Could you respond to that concern?"

Speaker Kubik: "Representative Wojcik."

Wojcik: "Representative, I'm sorry there was so much commotion behind me. I did not hear your question in its entirety. If you would repeat it again, I would appreciate it. And if we could have the noise level lowered, I'd appreciate that."

Speaker Kubik: "Representative Wojcik, you're absolutely correct. Could we please reduce the noise level in the chamber so that we can have the people can hear the discussion? Representative Schakowsky, could you repeat the question?"

Schakowsky: "My fear in Amendment 2 was that we created a situation where once again physicians in HMO's, for example, could be pressured to send their patients home early because it says 'that shorter lengths of hospital in-patient stays would be permitted if it's in accordance with the guidelines developed by the American College of Obstetricians and Gynecologists.' And that the protections that we were trying to afford to women, the 48 hours and the 96 hours would be rendered meaningless. That's my fear and I just wanted you to respond to that."

Speaker Kubik: "Representative Wojcik."

Wojcik: "Representative, only the attending physician can do that. It's at the discretion of the physician."

Speaker Kubik: "Representative Schakowsky."

Schakowsky: "Yes, but the problem, my understanding has been is

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that physicians have been under pressure because the insurance companies aren't covering, to send people home. What would prevent under this Bill the insurance company from saying, 'Look, this is a healthy woman, it's a healthy baby, the College of Obstetricians says it's okay. Why are you having this woman stay 48 hours? We don't think you should.' I thought that this might leave the door open for physicians to be pressured."

Speaker Kubik: "Representative Schakowsky. I'm sorry, Representative Wojcik."

Wojcik: "Representative, the insurance companies have to cover 48 hours regardless and if the mother and the baby wish to leave and the doctor says that the mother and baby can leave and she's healthy, it's up to the doctor. She will be covered for 48 hours. She can leave earlier. It is the hope of all of us that she would stay in because of what happens with the possibility of jaundice, blood clots, or other severe developments. So, the attending physician will be there at her call and he will make that decision. The insurance company already says, 'We will cover you for 48 hours'. They're not going to come in and change that. It will be the law, 48 hours from the time of birth. So, in essence, that she goes in, in labor, it'll be from the time the baby is born."

Speaker Kubik: "Representative Schakowsky."

Schakowsky: "Well, this certainly is an improvement. I still worry that the insurers might pressure them to encourage women to go home. But, this certainly is better than we've had. Now let me ask you about the in-home...about verifying the condition of infant in the first 48 hours after discharge. Could that be simply a phone call or something like that? What do we mean by verifying

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condition?"

Speaker Kubik: "Representative Wojcik."

Wojcik: "It'll be an in-home nurse visit. Most of the hospitals, I have found this out in negotiation, most of the hospitals are doing this already and it's there."

Speaker Kubik: "Representative Schakowsky."

Schakowsky: "Well, thank you. I'm glad to see that. To the Bill, I think that this Bill certainly is progress for the women and their babies. And I certainly urge an 'aye' vote."

Speaker Kubik: "Further discussion? The Chair recognizes the Lady from Cook, Representative Flowers."

Flowers: "Thank you, Mr. Speaker. Will the Lady yield?"

Speaker Kubik: "The Sponsor indicates she will yield."

Flowers: "Representative Wojcik, I too, would like to applaud you on all the work and the long hours that you placed into trying to put this Bill together. And I think it's unfortunate that we even have to discuss this matter because as we said earlier, this is something that does not apply to men. But, I still have a concern or some concerns about this legislation. But, first of all, I would like to ask you, Representative Wojcik, would you be amenable to holding this Bill on Second? And would you be amenable to please work with me on my midwifery Bill? It appears to me that since the insurance companies do not want to pay for women's stay in the hospitals, that women should have a choice to have their babies in the comfort of their home. Because it is my understanding that women are forced to bring, despite the fact that your Bill says 'there should be in-home visits' and you say that it's happening now. It's not true in most cases because I know of a recent case where the women are required to bring their babies back to

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the hospital that very next day after they've been discharged. Now mind you they've been medicated and sedated and have gone through all kinds of trauma and the hospital is going to mandate that they come back the very next day so that they can check on the baby. So that is not an in-home visit. So, my question to you, is would you please be amenable to hold this Bill on Second so we can work out some type of legislation and have a study maybe, so we can license midwifery in this state?"

Speaker Kubik: "Representative Wojcik."

Wojcik: "Representative, while I believe and I know that you are well-intended and I can certainly understand midwifery, I think it's an issue that should stand on its own. And I would be more than happy to work with you in another Bill regarding this issue because I can understand what you're saying. Because of the number of hours of the time put into this Bill and the fact that we have an agreement, I would like to certainly see it passed. There's a lot of women in Illinois that would really want to see this go through today and I think that's my intent."

Speaker Kubik: "Representative Flowers."

Flowers: "Representative Wojcik, again I do understand and I'm not trying to be difficult. But, I think when you say this Bill's standing on its own, to me, that's a very important part of it. Why should I be forced out of a hospital within a certain amount of hours, forced to bring my baby back to the hospital the next day, whereas that I could from the very beginning have my baby in the comfort of my own home if midwife was acknowledged and accepted in this state? And I think that's unfortunate because this Bill is applicable to women and families. And I think it's unfortunate because often time, men may think that women

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automatically come with instructions on how to take care of babies, but that's not true. And the only thing that we're concerned about in this legislation is pushing the mother out of the hospital within the 48 hours, not taking into consideration the breast-feeding, not taking into consideration of the complications that may come. Because your Bill specifically state that 'the mother 'may' be provided a shorter stay.' It is not mandated that the doctors keep the parent in the hospital for the 48 hours. So it could be that they can be put out sooner than that. And I would appreciate if you would change that 'may' to 'shall'."

Speaker Kubik: "Representative Wojcik."

Wojcik: "Representative, I, again understand how you feel. I believe that there are a lot of women that will deliver that will have a healthy baby that will ask their doctor to leave before 48 hours. I think she should have that option. I think that the doctor should also have the option of telling that lady if she thinks she's healthy and she is having a problem, that she has to stay 48 hours. Midwifery has been here with us. I've been here for quite awhile and that has been a very, very strong issue for many years. The local hospital that I represent has a midwifery program with an attending OB-GYN. As I said, I think your idea is well-intended. It has been around for a long time and I certainly would like to see us work on it in the future. I don't want to delay this Bill any longer. We have been working far too long on it and I think for the women of Illinois, we should get it passed."

Speaker Kubik: "Representative Flowers."

Flowers: "Representative Wojcik, may I ask you this question, then? If a doctor thinks that a mother should stay longer,

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with a HMO or an insurance, will this be...will this affect the doctor's paycheck?"

Speaker Kubik: "Representative Wojcik."

Wojcik: "Doesn't address it, Representative."

Speaker Kubik: "Representative Flowers."

Flowers: "Representative Wojcik."

Speaker Kubik: "Representative Flowers, I'd like you to finish your question and then we've got a couple other people who wish to speak. So if you could ask your final question and then we can move on."

Flowers: "Representative Wojcik, see that's a part of the problem because if a doctor's paycheck is affected by how long that patient stays in the hospital, we've defeated the purpose. We have sent the women of the State of Illinois a bad message thinking that they would at least be able to stay for 48 hours if it is still up to the doctor to make that decision. But, this Bill does not leave it in the doctor's hand. It still leaves room for the insurance companies to dictate to the doctor or either call the hospitals to see if Mrs. Smith has left that room already because they don't want to pay. And unfortunately, your Bill does not address that. Can you please tell me how that can be answered or what are the women of the State of Illinois to do when an HMO calls or an insurance company calls to find out if that room is vacant or not?"

Speaker Kubik: "Representative Wojcik."

Wojcik: "Representative, the whole intent of the Bill is to establish a minimum and I think that's what we're doing. And insofar as the other issues are concerned, as I said, we've come a long way. We are now in a steppingstone of affording a lady or her family the right to be in the hospital for at least 48 hours or 96 hours for Cesarean.

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And sometimes, some things don't work exactly 100%. But I'll tell you I think we've got a great compromise and we are here and we're helping everybody. And I think we should pass this Bill."

Speaker Kubik: "Further discussion? The Chair recognizes the Lady from Cook, Representative Erwin."

Erwin: "Thank you, Mr. Speaker. I rise in strong support of this Amendment and the Bill. I think it's important for many of the people in this chamber who have worked on health care issues over the last couple of years and who are well aware of the difficulty we've had in dealing with any health mandates. For those of you who, I know Representative Phelps isn't with us today, but for those of you who know that we have been working on the insurance coverage of cancer clinical trials, of TMJ disease. There's a long list of health issues that we've been attempting to come to the table about with the insurance industry. One of them is trying to permit moms and new moms and their newborn infants to have a minimum amount of time to get themselves on the right road to a healthy start. This is the only one out of these many, many issues, Ladies and Gentlemen, that we have successfully gotten through the myriad of problems that exist in our relationship with the health insurance industry. So, I can, for some who might not think this is perfect or good enough, let me just say that I couldn't agree with Representative Wojcik more. This is a very good start to I hope what will become a more patient-centered system of health care in this state. So, I think that this is a really important step. I think that we ought to support this. There are many other people in this chamber who had similar Bills and similar ideas and there is consensus, I think, around this issue. It is the reason

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that the insurance industry sort of finally came to the table to negotiate. So, I certainly would urge an 'aye' vote."

Speaker Kubik: "Further discussion? The Chair recognizes the Lady from Cook, Representative Ronen."

Ronen: "Thank you, Speaker. Will the Sponsor yield for a question?"

Speaker Kubik: "The Sponsor indicates that she will yield."

Ronen: "Representative Wojcik, you might have mentioned this earlier so excuse me, it is noisy as you noted. I remember in committee when this Amendment was passed, this Amendment did not have the support of the IL State Medical Society or any of the specialty medical groups or the Nurses' Association. What are all those group's positions now?"

Speaker Kubik: "Representative Wojcik."

Wojcik "We have the support of the Medical Society, IMA, the businesses. We have the support of the insurance. We also have the Nurses' Association wanted the word, 'registered nurse'. We could not get the Bill through with the word, 'registered nurse'. So we have a nurse, which would be an LPN registered nurse, but it would definitely be nurse. So that's the only area that we were not able to appease."

Speaker Kubik: "Representative Ronen."

Ronen: "The other specialty medical groups are supportive as well, did you say? You can just shake your head...you say 'yes'. Is the Nurses' Association opposed to this or are they neutral?"

Speaker Kubik: "Representative Wojcik."

Wojcik: "Representative, we don't know if they've taken a position."

Speaker Kubik: "Representative Ronen."

Ronen: "Thank you, for your answers. Let me just say, a measure



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such as this is much needed. As you'll recall in committee, I wish that it could be stronger. I hope this is just a first step. We shouldn't have to be taking measures like this and I hope that in future discussions of managed-care and items such as that, that we can take into account these serious things that are happening as we move to managed-care and we're only concerned with bottom line. And I hope this is the beginning of realizing that we just can't be concerned with the bottom line, that quality of health care and access to health care is the most important thing. So I will support your Bill and hope that it can maybe get stronger in the Senate. Thanks."

Speaker Kubik: "Further discussion? The Chair recognizes the Gentleman from Will, Representative Wennlund."

Wennlund: "Thank you, Mr. Speaker. I move the previous question."

Speaker Kubik: "The Gentleman has moved the previous question. The question is, 'Shall the main question be put?' Those in favor say 'aye'; those opposed say 'no'. It's in the opinion of the Chair, the 'ayes' have it. Representative Wojcik to close on Floor Amendment #2. Representative Wojcik."

Wojcik: "Representative and Mr. Speaker and Members of the House, I think you've heard the debate. As I said, I think we've come a long way. I think it's time to help the women of Illinois and I would just ask for its favorable passage."

Speaker Kubik: "The Lady has moved for the adoption of Floor Amendment #2. All those in favor will say 'aye'; those opposed will say 'no'. In the opinion of the Chair, the 'ayes' have it. And the Amendment is adopted. Any further Amendment?"

Clerk McLennand: "No further Amendments. A Fiscal Note, State

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Mandate's Note, and Home Rule note have been requested on the Bill and have been filed on the Bill 'as amended' by Amendments #1 and 2."

Speaker Kubik: "Third Reading. Mr. Clerk, Mr. Clerk, please read House Bill 2557."

Clerk McLennand: "House Bill 2557, a Bill for an Act in relation to postpartum care. Third Reading of this House Bill."

Speaker Kubik: "The Chair recognizes the Lady from Cook, Representative Wojcik, on House Bill 2557."

Wojcik: "Thank you, Mr. Speaker, and Members of the House. I think we have had extensive hearings on this in the Committee. We've had some great questions and answers on the House Floor today. And I would just ask that the Bill be passed and that we would be there for the women of Illinois."

Speaker Kubik: "The Lady has moved for the passage of House Bill 2557. And on that is there any discussion? The Chair recognizes the Lady from Lake, Representative Gash."

Gash: "Thank you, Mr. Speaker. I rise in strong support of this Bill. As many of you know, I introduced House Bill 2514, which is basically the same concept as this Bill, early last summer. I worked very, very hard on this Bill. We got many, many Cosponsors on this Bill. And I had a meeting with you, Representative Wojcik, in Speaker Daniel's office as you may remember. And I appreciate your working on this Bill and I applaud you for it. As we talked about that day, we agreed to work together and I agreed that if we had a joint Bill where you were the chief Sponsor, I would be the second name on that Bill. The next name would be Republican. The next name would be a Democrat. That's how we talked about it. You gave me your word that day. Speaker Daniels also gave me his word that

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he would not remove my name from that Bill. I feel very strongly about this Bill. I have a question for you, Representative. Representative, how many Cosponsors do you have on this Bill?"

Speaker Kubik: "Representative Wojcik."

Wojcik: "Representative Gash, I think that if you would look at the Cosponsors, you would see your name on the Bill before you suggest that I did not keep my word. Secondly, Representative Gash, I kept my word on the first Bill. It's in the Journal. It's on the record. So therefore, I don't think your comments have anything regarding this Bill."

Speaker Kubik: "Representative Gash."

Gash: "I believe that the agreement that we had in Speaker Daniel's office that day would be that my name was second on the Bill? We had several witnesses that day."

Speaker Kubik: "Representative Wojcik."

Wojcik: "Representative, it's not the same Bill number."

Speaker Kubik: "Representative Gash."

Gash: "Representative, it is the same Bill that we were talking about. And I'd like to point out one other thing. When I introduced my Bill, someone on behalf of your leadership had comments in the newspaper 'in my newspaper' was talking about how Republicans were vehemently opposed to this comment because it was an unnecessary intrusion into private business. I find it very ironic that several months later, the same Bill was introduced and almost everyone in the entire House is on one Bill or the other. Almost everyone in the House is a Cosponsor on one of the Bills. Representative, I applaud you for your work on this Bill. Representative, I ask you to honor your commitment. The agreement that we had was that my name was second on

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the Bill. And I would like you to honor that commitment for me. Will you do that? You did give me your word. And Speaker Daniels, with several people in the room, at least six or seven, maybe eight people in the room, gave me his word that my name would be second. I asked very, very carefully to make sure that my name would not only be second, but would also not be removed."

Speaker Kubik: "Representative Gash, is that a question? Representative Wojcik."

Wojcik: "Representative, I've been here a long time. I've had many a word given to me, many of Bills I was going to be a hyphenated Sponsor on. Many a times my name was removed from your side of the aisle. I have been more than gracious to you. I have been more than kind to you. Your name is on the Bill. You can go out. I understand that you say it's your newspapers; I didn't know that you owned a newspaper. But, you can go out and you can profess the faith that you are now the Sponsor of this Bill. And I think enough has been said. We've worked very hard. I thank you for complimenting me on the hard work. I've kept my word and I always keep my word."

Speaker Kubik: "Representative Gash."

Gash: "Am I right to understand you that you are keeping your word, in which case, my name will be second on the Bill?"

Speaker Kubik: "Representative Wojcik."

Wojcik: "Representative, your name is on the Bill. I think these Sponsors are well chosen up there. We have many, many names on the Bill. I think Representative Erwin, on your side of the aisle, is a fine Lady and I'm happy to see there is a hyphen."

Speaker Kubik: "Representative Gash."

Gash: "Representative, I would like to agree with you that the

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Sponsors on the board are fine Sponsors. I have no problem with the Sponsors. Representative, you gave me your word. I would like to ask you one more time to keep your word. You gave me your word in front of many witnesses, that my name would be second on the Bill. What I requested."

Speaker Kubik: "Further discussion? Representative Klingler, the Lady from Sangamon. Representative Klingler is recognized."

Klingler: "Thank you very much, Mr. Speaker. I'm pleased to be able to speak in strong support for this Bill. I think in many ways it's unfortunate that such a Bill is necessary. The decisions on medical care and length of stay should be between the patient and health care provider and not at the long distance decision of somebody who's not even there." But given the facts that we're faced now, this is a very important Bill. We've talked a lot today about the mothers. But, I'd also like to talk about the babies and the importance of this stay and the extra care for the children. I've talked with pediatricians who have been extremely concerned about the bad effect on babies of early discharge. One of the things they're concerned about is that many times, early tests that are so important for children, such as thyroid tests to detect cretinism, are not valid until the baby is at least 24 hours old. And what's happening is some tests are being performed. They're not valid tests and the baby would have to be readmitted. And I've visited homes of mothers with children that have been early released and they've talked with great distress about the problems that happen with them. I would also like to commend the Visiting Nurses' Association in Springfield and for their early attention to this problem over two years ago. They mentioned to me when

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they begin to see mothers released, how difficult it was for the mothers to go home. The education function of the nurses, the education function of the doctors and the hospitals is completely being eliminated by the fact that they're simply being whisked out the door as soon as possible. But the visiting nurses responded very pro-actively to this problem and initiated on their own, a program to visit mothers and newborn infants in their home. And I'm very pleased that this home site visit will be continued. I hope that in the future we can continue to work for high quality medical care for all patients. Thank you very much."

Speaker Kubik: "Further discussion? The Chair recognizes the Gentleman from DuPage, Representative Johnson."

Johnson, Tom: "Representative, will the Sponsor yield? She won't yield? Well, then to the Bill. Can a male speak to this Bill or do we have to become part of the Women's Caucus? I helped give birth to three kids, so I am concerned about this, very concerned. Representative, I just want to congratulate you on this Bill and the work that you've put into it. And especially the Amendment that clarified all the questions that I raised during the committee. And I just want to congratulate you. Now, do I have to become a member of the Women's Caucus to go on as a Cosponsor on this Bill? Can I get up there as a hyphenated or is that only reserved to women? How did Bost get up there? Anyway, I think this is a good Bill and it's high time we passed this thing. Thank you."

Speaker Kubik: "Further discussion? The Chair recognizes Representative Wojcik to respond to Representative Johnson."

Wojcik: "Representative Johnson, Representative Johnson, you have

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made my day and I thank you. Now I know for sure the women of Illinois will just be absolutely ecstatic. Thank you."

Speaker Kubik: "Further discussion? The Chair recognizes the Lady from Cook, Representative Flowers."

Flowers: "Mr. Speaker, Ladies and Gentlemen of the House, Representative Wojcik, I beg to difference with you. The women of the State of Illinois will not be ecstatic over this legislation. Again, I must point out to you that the Bill says, 'a shorter stay may be provided'. And I would like to say to each Member of this Body that life is a one time go around. You get no second chance. If you make a mistake giving birth or sending a child home and a child dies, there's not a second chance here to undo what was done. And I don't think that the insurance industry should be in the business of dictating what we should do with our lives and the nature. What about the children, Ladies and Gentlemen? We're talking about a mother's length of stay. But, what about the child that was born into this world with whatever type of complications? And if the mother and the child are well enough, they should be able to go home. But again, we have taken that responsibility out of the doctor's hands and placed it in the hands of the insurance companies. And each and every last one of us should be ashamed for doing so. Thank you very much."

Speaker Kubik: "Further discussion? The Chair recognizes the Gentleman from Will, Representative Wennlund."

Wennlund: "Thank you, Mr. Speaker. I move the previous question so we don't spend..."

Speaker Kubik: "The Gentleman has moved the previous question. The question is, 'Shall the main question be put?' Those in favor will say 'aye'; those opposed will say 'no'. It's the opinion of the Chair, the 'ayes' have it.

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Representative Wojcik to close."

Wojcik: "Ladies and Gentlemen and Mr. Speaker, this is not a joke. This is a serious matter. This is a woman having a baby in the hospital, being sent home too early with a possibility of having a jaundiced child or she herself getting blood clots or something more serious developing. It's not funny. It's a good Bill. You're not going to please everybody. We never please everybody when we legislate. But we try, we compromise. We have come a long, long way. There's more to do. There's more effort on our behalf. And there's a lot that we can do in the future in the way of health and preventative medicine. I'm glad to see that I have so many Sponsors on this Bill. I'm glad to see that we have all expressed our concerns and our opinion. That's what this democratic House is all about. All I can say to you is I ask you to pass this Bill. I say it's a favorable issue. And I know when I heard that women are not going to be helped, I begged to differ. I will be helped as all the other women in this House and the women in Illinois. So, I ask for a favorable vote."

Speaker Kubik: "The Lady has moved for the passage of House Bill 2557. The question is, 'Shall House Bill 2557 pass?' All those in favor will vote 'aye'; those opposed will vote 'no'. The voting is open. This is final action. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, please take the record. On this Bill, there are 111 voting 'aye', 2 voting 'no', 2 voting 'present'. And this Bill, having received a Constitutional Majority, is hereby declared passed."

Speaker Kubik: "Mr. Clerk, please read House Bill 2529."

Clerk McLennand: "House Bill 2529, a Bill for an Act that amends the Counties Code. Third Reading of this House Bill."



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Speaker Kubik: "The Chair recognizes the Gentleman from Peoria, Representative Saltsman."

Saltsman: "Thank you very much, Mr. Speaker. House Bill 2529 is a piece of legislation that only affects the Peoria Pleasure Driveway and Park District in the Peoria area. The Bill has two Amendments on it. One Amendment Public Aid is having a problem with. I've spoke with Representative Leitch and we will iron this out in the Senate if Public Aid can come with a program to work with our county jails and provide the county jails with medical aid for all the prisoners when a medical service are required for any person held in custody. So but way, this a Bill that was asked for us by the town of Peoria. And I would yield to Representative Leitch if he would like to make a comment."

Speaker Kubik: "The Gentleman has moved for the passage of House Bill 2529. And on that, is there any discussion? There being none, Representative Saltsman to close."

Saltsman: "Thank you very much, Mr. Speaker. I'd ask for passage of this Bill. And it only amounts to our own Peoria Park District. Thank you very much and appreciate a favorable vote."

Speaker Kubik: "The Gentleman has moved for the passage of House Bill 2529. The question is, 'Shall House Bill 2529 pass?' All those in favor will vote 'aye'; those opposed will vote 'no'. This is final action. The voting is now open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, please take the record. On this question, there are 112 voting 'aye'; 1 voting 'no', and 1 voting 'present'. And this Bill, having received a Constitutional Majority, is hereby declared passed."

Speaker Kubik: "Mr. Clerk, please read House Bill 2612."

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Clerk McLennand: "House Bill 2612, a Bill for an Act that amends the Wildlife Code. Third Reading of this House Bill."

Speaker Kubik: "The Chair recognizes the Gentleman from Williamson, Representative Woolard. Out of the record. Representative, I would suggest that we have a very busy schedule and we may not get back to this Bill. So, okay, out of the record. Mr. Clerk, please read House Bill 2406."

Clerk McLennand: "House Bill 2406, a Bill for an Act that amends the University of Illinois Act. Third Reading of this House Bill."

Speaker Kubik: "The Chair recognizes the Gentleman from DeKalb, Representative Wirsing."

Wirsing: "Thank you, Mr. Speaker. House Bill 2406 came out of the Higher Education Committee and it has some technical changes in it. And we felt that we needed this Bill. I would answer any questions."

Speaker Kubik: "The Gentleman has moved for the passage of House Bill 2406. And on that, is there any discussion? The Chair recognizes the Gentleman from Madison, Representative Hoffman."

Hoffman: "Will the Sponsor yield?"

Speaker Kubik: "Sponsor indicates that he will yield."

Hoffman: "Yeah, is there anything on this Bill or is it just the vehicle Bill still?"

Speaker Kubik: "Representative Wirsing."

Wirsing: "Basically, there is nothing in this Bill and it is a shell Bill. But, we felt that we needed that alive over in the Senate because just keep the vehicle alive. Being the type of Session that we're in this year and it seemed appropriate."

Speaker Kubik: "Representative Hoffman."

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Hoffman: "Do you have any idea what you intend to use this for eventually, down the road, in the future?"

Speaker Kubik: "Representative Wirsing."

Wirsing: "Yes, this will be something relative to higher education."

Speaker Kubik: "Representative Hoffman."

Hoffman: "This isn't going to eventually contain the Governor's tax increase is it?"

Speaker Kubik: "Representative Wirsing."

Wirsing: "No, there's just no plans for that at this point in time. And I really don't see that occurring in the future."

Speaker Kubik: "Representative Hoffman."

Hoffman: "Well, I saw that this University of Illinois Vehicle Bill and the Ikenberry connection, you know I just thought maybe that was something you were going to eventually put on there, the Governor's proposed tax increase. But that you're making a commitment to us in this chamber that you will not put the Governor's proposed tax increase onto this Bill."

Speaker Kubik: "Representative Wirsing."

Wirsing: "Yes, I make that commitment."

Speaker Kubik: "Representative Hoffman."

Hoffman: "With regard to this Bill, you don't plan to attempt to once again take away the University of Illinois Board's rights, the individuals who are elected? You're not going to take that away and throw them out of office after the court's decision again on this Bill are you? You're not going to do that with the Board?"

Speaker Kubik: "Representative Wirsing."

Wirsing: "Thank you, for your question, but Representative Hoffman, as I have stated, there are no plans for this Bill

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at this point in time."

Speaker Kubik: "Representative Hoffman."

Hoffman: "Well, if there are no plans, we should probably, I guess, just leave it here. Our side of the aisle probably will be voting either 'present' or 'no' on this."

Speaker Kubik: "Further discussion? Seeing none, Representative Wirsing to close."

Wirsing: "I just would ask for a favorable vote for this Bill. We just need a vehicle relative to higher education issues and this is the way to do it."

Speaker Kubik: "The Gentleman has moved for the passage of House Bill 2406. And the question is, 'Shall House Bill 2406 pass?' All those in favor will vote 'aye'; all those opposed will vote 'no'. The voting is open. And this is final action. Have all voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this Bill, 60 have voted 'aye', 52 have voted 'no', and 3 have voted 'present'. This Bill, having received a Constitutional Majority, is hereby declared passed."

Speaker Kubik: "Mr. Clerk, what is the status of House Bill 2617?"

Clerk McLennand: "House Bill 2617, a Bill for an Act to amend the Civil Administrative Code of Illinois."

Speaker Kubik: "Please return this Bill to the Order of Second Reading. House Bills Second Reading. Mr. Clerk, please read House Bill 1249."

Clerk McLennand: "House Bill 1249, Bill's been read a second time previously. Committee Amendments #1 and #2 were referred to subcommittee. Committee Amendments #3-11, 13-15, and 17 were adopted. Floor Amendment #18, offered by Representative Tom Johnson, has been 'approved for

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consideration'."

Speaker Kubik: "The Chair recognizes the Gentleman from DuPage, Representative Johnson, on Floor Amendment #18."

Johnson, Tom: "Yes, Mr. Speaker, Members of the House, this Bill is a technical cleanup on a Committee Bill that is out here that we'll be debating in full later on. But what this merely does is cleans up the date at which time a particular Amendment will take effect and changes it so the effective date will be upon the enactment of this Bill. And secondly, clears up the jurisdiction as to when people would accrue those rights backtracking that to those who have filed suit or claims prior to January 1, 1995. And this was astutely caught by Representative Currie, who I believe supports this Bill. And all it does is clean that portion of the Bill up. I would ask for passage of this."

Speaker Kubik: "The Gentleman has moved for the adoption of Floor Amendment #18. And on that, is there any discussion? The Chair recognizes the Gentleman from Clinton, Representative Granberg."

Granberg: "Thank you, Mr. Speaker. I rise on a point of personal privilege, Sir."

Speaker Kubik: "State your point."

Granberg: "You have always been very fair in the Chair, Mr. Speaker. And I was disappointed because even you, Jack, heard us request a verification of that last Roll Call. You knew we wanted a verification. You indicated you were going to give it to us. We just had to wait a moment and you took the Roll, knowing full well we had requested that verification. I would hope that policy would not continue in this chamber. We've been operating fairly, fairly this year, not very often, but sometimes. So we would hope this partisanship does not continue as it has, seem the last few

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hours. And we would ask you, Sir, to please obey the rules of parliamentary procedure and be fair to all the Members of this chamber."

Speaker Kubik: "Further discussion? Seeing none, Representative Johnson to close."

Johnson, Tom: "To close, I would just ask that this be adopted and move forward."

Speaker Kubik: "The Gentleman has moved for the adoption of Floor Amendment #18. Those in favor of the Amendment will say 'aye'; those opposed will say 'no'. It's the opinion of the Chair, the 'ayes' have it. The Amendment is adopted. Any further Amendments?"

Clerk Rossi: "No further Amendments have been 'approved for consideration'. A State Mandate's Note and a Correctional Budget and Impact Note 'as amended' have been requested on the Bill and have not been filed."

Speaker Kubik: "The Bill will be held on the Order of Second Reading. Mr. Clerk, please read House Bill 2413."

Clerk Rossi: "House Bill 2413, a Bill for an Act to amend the Metropolitan Water Reclamation District Act. Second Reading of this House Bill. Amendment #1 was adopted, in committee. No Motions have been filed. No Floor Amendments 'approved for consideration'. The Fiscal Note and the State Mandate's Note that were requested on the Bill have been filed."

Speaker Kubik: "Third Reading. Mr. Clerk, please read House Bill 2518."

Clerk Rossi: "House Bill 2518, a Bill for an Act amending the Code of Criminal Procedure of 1963. Second Reading of this House Bill. Amendments #1 and 2 have been adopted to the Bill. No Motions have been filed. No Floor Amendments 'approved for consideration'. The Fiscal Note and the

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State Mandate's Note that have been requested on the Bill have not been filed."

Speaker Kubik: "The Bill will be held on the Order of Second Reading. Mr. Clerk, please read House Bill 2576."

Clerk Rossi: "House Bill 2576, this Bill has been read a second time previously. No Committee Amendments. Floor Amendment #2, offered by Representative Andrea Moore, has been 'approved for consideration'."

Speaker Kubik: "The Lady from Lake is recognized on Floor Amendment #2."

Moore, A.: "Thank you, Mr. Speaker. This Amendment is more of a technical Amendment to House Bill 2576. And this Bill passed through Committee, I believe unanimously supported and permits absentee voters to cancel their absentee votes and vote in person. It removes the requirement that election authorities publicly post the names of absentee voter applicants. It requires that the public posting of names of absentee voters include names of persons assisting them to vote, prohibits candidates who appear on the ballot from assisting a physically incapacitated absentee voter from marking the ballot unless that person is related to the voter. And it also makes encouragement of an unqualified absent voter applicant, unqualified absent voters a Class 3 Felony. It also increases penalties for other absentee ballot offenses to Class 3 Felonies. This is the work of a number of different people, the Independent Voters' Organization and the IPO, along with Cook County State's Attorney O'Malley to try and address absentee ballot fraud, which is one area that in elections causes some of the greatest amount of problems. I would be happy to answer any questions."

Speaker Kubik: "The Lady has moved for the adoption of Floor

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Amendment #2. And on that, is there any discussion? Gentlemen, before we get to the discussion, I would like to take a moment and welcome Senator DeAngelis, who celebrated his 65th birthday this week. So he's with us this afternoon, Senator DeAngelis, happy birthday. Is there any discussion? The Chair recognizes the Gentleman from Clinton, Representative Granberg, on Amendment #2."

Granberg: "Thank you, Mr. Speaker. Will the Lady yield?"

Speaker Kubik: "The Lady indicates that she will yield."

Granberg: "Representative Moore, does your Amendment change any of the penalty provisions that are currently existing law?"

Speaker Kubik: "Representative Moore."

Moore, A.: "Could you repeat that please? I'm sorry I couldn't hear it."

Speaker Kubik: "Representative Moore, you're absolutely right. Can we please reduce the noise level so that Representative Granberg and Moore can have a dialogue? So please, let's reduce the noise level. Representative Granberg, would you please repeat the question?"

Granberg: "Thank you. Representative Moore, does your Amendment change the current penalty provisions?"

Speaker Kubik: "Representative Moore."

Moore, A.: "The Amendment does not change the penalty provisions. The Bill does."

Speaker Kubik: "Representative Granberg."

Granberg: "So your Amendment says it goes more to public disclosure of those documents after the ballot is marked?"

Speaker Kubik: "Representative Moore."

Moore, A.: "The Amendment actually sort of clarifies that after which time application shall be public documents. And that it will not prohibit any kind of examination after the election."



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Speaker Kubik: "Representative Granberg."

Granberg: "So if I understand correctly, Representative, that was in the body of your main Bill. So this just actually clarifies what the main Bill does in regard to that public disclosure?"

Speaker Kubik: "Representative Moore."

Moore, A.: "Yes, Representative."

Speaker Kubik: "Representative Granberg."

Granberg: "Thank you, Representative. That's all the questions I have."

Speaker Kubik: "Further discussion? The Chair recognizes the Lady from Cook, Representative Ronen."

Ronen: "Thank you, Speaker. I just rise in support of this Amendment. I'd like to commend the Sponsor. This Amendment, as was stated before, is just clarifying language. The underlying Bill was developed through a very constructive bipartisan way. The Independent Voters of Illinois, Independent Precinct Organization formed a task force to address the issue of fraud in relation to absentee ballots. This Bill addresses some of the concerns and will tighten up procedures. This Amendment just clarifies language in the Bill. So I urge all my colleagues to support the Amendment and the Bill when we hear it later. And again, commend the Sponsor for her hard work and bipartisan effort in this regard."

Speaker Kubik: "Further discussion? The Chair recognizes the Gentleman from McHenry, Representative Skinner."

Skinner: "Yes, will the Lady yield to a question or two?"

Speaker Kubik: "The Lady indicates she will yield."

Skinner: "Does this mean that candidates or candidate supporters can't find out who is voting absentee prior to the election?"

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Speaker Kubik: "Representative Moore."

Moore, A.: "No. It says, it talks about the list that has to be posted. It has to do with the posting requirement. It's not those that are voting, it's those who are requesting."

Speaker Kubik: "Representative Skinner."

Skinner: "Currently, my understanding is that one can go to the County Clerk's office and discover who has requested an absentee ballot. Is this going to prohibit anyone who is not in the Clerk's office from figuring out who has requested an absentee ballot?"

Speaker Kubik: "Representative Moore."

Moore, A.: "At this point in time, yes. Those that have requested absentee ballots, there is that information is available. If this Bill passes, it will be those people who have actually voted absentee who that list will be available."

Speaker Kubik: "Representative Skinner."

Skinner: "Well, you know I have seen the Illinois General Assembly vote against the self-interest of its' Members before, but this certainly is against our self-interest. Absentee ballots are often requested several weeks before the election and most candidate's campaigns are focused in the last week of the election. This would mean that you would be sending direct mail to candidates or that is to voters who have already received their ballot at some distant place. And you would have no opportunity whatsoever to know that those individuals had requested an absentee ballot. I must admit I've never got my campaign act together well enough to follow this strategy. But in an ideal strategy where one wants to contact voters before they vote, you would want to know who has requested an absentee ballot. You would go to the court house on a

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daily basis and pick up those names and send those people a brochure, asking for them to vote for you. I don't know, it doesn't sound like a very good idea to me, Representative."

Speaker Kubik: "Further discussion? The Chair recognizes the Gentleman from Washington, Representative Deering."

Deering: "Thank you, Mr. Chairman. Inquiry of the Chair. Yesterday, I think Representative Wennlund was in the Chair and scolded Representative Granberg because he inquired about some Amendments that he apparently didn't have. And my computer system, it says here on House Bill 2576, there are no Amendments on this Bill. Can you tell me if there are Amendments, if they've been printed and if they've been distributed? And if they haven't been, would you please take this Bill out of record so we can look at the Amendments and see?"

Speaker Kubik: "Representative, it's my understanding from talking to the Clerk that the Amendments are on the computer, but you would have had to updated your computer to see those Amendments. So, their data suggests that it is on the computer. Further discussion? The Chair recognizes the Gentleman from Cook, Representative Lang."

Lang: "Will the Sponsor yield?"

Speaker Kubik: "The Sponsor indicates she will yield."

Lang: "Representative, I'm going to support your Amendment, but I'm not so interested about what's in it as what might not be in it. So, is there anything is here that will correct the fiasco regarding the Motor Voter problem in the State of Illinois?"

Speaker Kubik: "Representative Moore."

Moore, A.: "This Bill deals with absentee ballot fraud."

Speaker Kubik: "Representative Lang."

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Lang: "Well, surely some of the folks that were ripped off and not allowed to vote under Motor Voter wanted to vote absentee. So, does this cover that situation?"

Speaker Kubik: "Representative Moore."

Moore, A.: "Is that a question?"

Speaker Kubik: "Representative Lang."

Lang: "Sure, it was a question. Want me to repeat it?"

Speaker Kubik: "Perhaps you should, Representative Lang."

Lang: "Be happy to repeat it. Repeat it exactly the way I said it. I said 'surely some of the voters who are ripped off and not allowed to vote for all elections under Motor Voter, voted absentee.' So, does this cover them as well?"

Speaker Kubik: "Representative Moore."

Moore, A.: "This Bill would cover anyone registered to vote following its passage, this Bill would cover anyone who is registered to vote."

Speaker Kubik: "Representative Lang."

Lang: "I recall recently, Representative, you had a Bill to turn our registration system and our state into a three tier system. This doesn't do that, does it?"

Speaker Kubik: "Representative Moore."

Moore, A.: "This Bill addresses the issue of fraud regarding absentee ballots."

Speaker Kubik: "Representative Lang."

Lang: "Does it discuss the issue of fraud regarding election judges improperly giving the wrong ballots to people who voted in the last primary because they didn't know what elections they were registered to vote for?"

Speaker Kubik: "Representative Moore."

Moore, A.: "That's really outside the scope of this Bill. This is absentee ballot."

Speaker Kubik: "Representative Lang."

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Lang: "So it doesn't cover that situation. You're not going to try to correct that problem today?"

Speaker Kubik: "Representative Moore."

Moore, A.: "As I said before, this issue addresses the issue of absentee ballots."

Speaker Kubik: "Representative Lang."

Lang: "Well, it's nice to know, Mr. Speaker, that we have a nice comprehensive Amendment here that covers all of the ills, relative to the ballot process in the State of Illinois. I'm going to vote for this, but this is an opportunity for Representative Moore who has told us more than once she would like to do something about the problems that Motor Voter has caused and the problems the registration system has caused, an opportunity to deal with that problem, to fix it, to make this a proper registration system so Illinois isn't the laughing stock of the United States of America. But, once again we have piecemeal legislation. We have legislation that doesn't complete the process. We have legislation that doesn't take care of the problems we could be taking care of. And I just think it's a shame that we don't once and for all fix this problem."

Speaker Kubik: "Further discussion? Seeing none, Representative Moore to close."

Moore, A.: "The Amendment is a technical one that improves the Bill and I would ask you to please support this Amendment."

Speaker Kubik: "The Lady has moved for the adoption of Floor Amendment #2. Those in favor of the Amendment will say 'aye'; those opposed will say 'no'. It's the opinion of the Chair the 'ayes' have it. The Amendment is adopted. Any further Amendments, Mr. Clerk?"

Clerk McLennand: "No further Amendments. A Fiscal Note has been requested on the Bill 'as amended'."

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Speaker Kubik: "Has it been filed?"

Clerk McLennand: "Has not been filed."

Speaker Kubik: "The Bill will be held on the Order of Second Reading. Mr. Clerk, please read House Bill 2805."

Clerk McLennand: "House Bill 2805, Bill's been read a second time previously. Committee Amendment #1, was adopted. Floor Amendment #2, offered by Representative Burke, is 'approved for consideration'."

Speaker Kubik: "The Chair recognizes Representative Burke on Floor Amendment #2."

Burke: "Thank you, Speaker. Floor Amendment #2 would simply eliminate the City of Chicago from the effect of this legislation. And I would ask for it's favorable consideration."

Speaker Kubik: "The Gentleman has moved for the adoption of Floor Amendment #2. And on that is there any discussion? The Chair recognizes the Gentleman from Vermilion, Representative Black."

Black: "Thank you very much, Mr. Speaker. Will the Sponsor of the Amendment yield?"

Speaker Kubik: "The Sponsor indicates that he will yield."

Black: "Representative, why would you want to eliminate the largest city in the State of Illinois from this fine piece of legislation?"

Speaker Kubik: "Representative Burke."

Burke: "Representative, representatives of the City of Chicago insisted that there were liability questions and they asked that they be taken out of the legislation. It would be explaining themselves, insisting that it would be very difficult for fire chiefs in the City of Chicago to have a rapport or to have an understanding of the reputable board up businesses that exist in the City of Chicago. And that

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was their reasoning."

Speaker Kubik: "Representative Black."

Black: "Well, why don't you just amend it to let the Chicago Fire Department board them up? I mean, they're already on the scene. Look at the time and money we could save."

Speaker Kubik: "Representative Burke."

Burke: "Our fire personnel, Representative, are sworn to protect the public from fire. This would be an unnecessary activity and something that would burden them in their regular duties."

Speaker Kubik: "Representative Black."

Black: "I can accept that. One other question. Are you doing anything in this Amendment to clear up the confusion on Motor Voter? I mean, boy, we could see in that last primary election, I mean, every paper in the state just went on and on. I mean, I think there were just millions of people confused. It was just headlines day after day. Boy, that Motor Voter just really, oh, it just confused millions. Can we add anything in this Amendment to clear up that Motor Voter confusion, because you know maybe while they're motoring and voting, they can also do board up? I don't know, could you, maybe we could do that in here, too?"

Speaker Kubik: "Representative Burke."

Burke: "I think that's a wonderful idea, Representative. I'd certainly endorse that. But no, indeed, there is no Motor Voter legislation in this Amendment. But, in fact, there is no parking ticket legislation in this Amendment."

Speaker Kubik: "I believe Representative Black wants to be recognized again. Representative Black."

Black: "If you'd be willing to roll this back, I could give you some Amendments where we could work on boarding up those

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parking tickets. I know a lot of people downstate and in Chicago, as well, would like to board up those Chicago parking tickets that somehow seem to always come downstate and be given to people 92 years old, you know, who's car hasn't left the garage since Harry Truman was president. But, you know maybe we can roll it back and do a board up those parking tickets and just do all kinds of things. I'd Cosponsor that that if you'd move this back to where we could amend it. Do you think that would be okay?"

Speaker Kubik: "Representative Burke."

Burke: "Well, Representative, we can do a lot of wonderful things for the citizens of the State of Illinois. And I think back to this issue, my constituency is very desperate to get this protection and I know that you and your inimitable style are prepared to support and endorse this fine piece of legislation."

Speaker Kubik: "Representative Black."

Black: "Yes, to the Amendment. The Representative has convinced me. I was proud to stand with him on this Floor when we solved the guard dog problem. I think that has made a significant difference in the quality of life, not only in the City of Chicago, but statewide. Now we have guard dogs that are protected. I know I sleep better at night and I stood with you on that one. And I am proud to stand with you on this one. And I say, let's move on. Let's get this board up Bill passed because I'm not going to sleep well at night until I know we can move forward on this issue. And I stand with you foursquare, Sir."

Speaker Kubik: "Further discussion? Seeing none, Representative Burke to close."

Burke: "Thank you, Speaker. And after that stirring speech from my colleague, Representative Black, I would encourage this



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Body to move the legislation immediately to Third Reading and let's get a vote on this Bill this afternoon."

Speaker Kubik: "The Gentleman has moved for the adoption of Floor Amendment #2. Those in favor of the Amendment will say 'aye'; those opposed will say 'no'. The opinion of the Chair, the 'ayes' have it. The Amendment is adopted. Mr. Clerk, are there any further Amendments?"

Clerk Rossi: "No further Amendments have been 'approved for consideration'."

Speaker Kubik: "Third Reading. Mr. Clerk, please read House Bill 2592."

Clerk Rossi: "House Bill 2592, this Bill has been read a second time previously. No Committee Amendments. Floor Amendment #1, offered by Representative O'Connor, has been 'approved for consideration'."

Speaker Kubik: "The Chair recognizes the Gentleman from Cook, Representative O'Connor, on Floor Amendment #1."

O'Connor: "Thank you, Mr. Speaker. The Amendment on this is basically going to be adding correctional officers in addition to peace officers as the Amendment on this particular Bill."

Speaker Kubik: "The Gentleman has moved for the adoption of Floor Amendment #1. Is there any discussion? The Chair recognizes the Gentleman from Cook, Representative Dart."

Dart: "Will the Sponsor yield?"

Speaker Kubik: "The Sponsor indicates that he will yield."

Dart: "Representative, doesn't this go a little bit further? I think it differs a little bit than the original Bill because the original Bill talks about it's unlawful for a peace officer to be a member of an organized gang. If I'm not mistaken the Amendment talks about committing acts and furtherance of gang activities. So I would imagine that's

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a great deal more. Is that not correct?"

Speaker Kubik: "Representative O'Connor."

O'Connor: "Representative, can you just speak up a little? I'm having a difficult time hearing you."

Speaker Kubik: "Representative O'Connor is correct. Ladies and Gentlemen. Ladies and Gentlemen, could we reduce the noise level again in the chamber so that Representative Dart and O'Connor can have a dialogue on this Bill? Representative Dart, would you repeat your question to Representative O'Connor?"

Dart: "Sure, I'd be happy to. My concern with the Amendment is that it changes it from being a 'member of a gang' to 'committing an act in furtherance of gang activities.' So in a sense, now, is it not okay under your Amendment to be a member as long as you're not committing in act in furtherance of this?"

Speaker Kubik: "Representative O'Connor."

O'Connor: "Representative, I apologize. I cannot hear what you're saying."

Speaker Kubik: "Ladies and Gentlemen, we need to reduce the noise level. Representative Dart has tried twice now to ask the question and we're having difficulty hearing. Could we please reduce the noise level? Representative Dart, could you repeat your question again?"

Dart: "Thank you. My concern with your Amendment, Representative, is it's more than just adding correctional officers. It adds a new standard which I have no problems with the standard you're adding. But the problem I do have is, I think if you look at the way you've worded it now, it talks about it is now illegal to commit acts in furtherance of gang activity. But you remove the provisions which talks about it's illegal to be a gang member. So under

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your Amendment as long as you're a police officer who is a gang member, but not doing anything in furtherance of the gang, it's quite alright. And the intent of your original Bill, I agreed with wholeheartedly. We don't want police officers as gangbangers. But with the Amendment, it now makes it so that you're okay if you're a gang member as long as you don't do anything, as long as you're just a gang member."

Speaker Kubik: "Representative O'Connor."

O'Connor: "Representative, I really don't agree with that interpretation of that."

Speaker Kubik: "Representative Dart."

Dart: "Well, Representative, I think if you read this, the clear language here, you had it real straightforward that if you're a member of a gang, you violate this law. You removed that language. It now says, 'if you're an individual who commits an act in furtherance of a gang, that's in violation of the law'. So there is nothing illegal about being a member of the gang. You have to actively be involved in gang activity."

Speaker Kubik: "Representative O'Connor."

O'Connor: "Representative, we feel as though if the new language is better for prosecution."

Speaker Kubik: "Representative Dart."

Dart: "Well, I mean, that's fine if that's what you want to do. But I really liked it when you were banning police officers from being gangbangers. I don't think we as a Body want police officers who are gang members. The way that the Amendment's been changed and it can be changed again with another Amendment, would be to add your language in addition of what you had before and say, if you are a gang member or if you commit an act in furtherance of a gang,

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we'll find in violation. Because technically, I suppose that there isn't that great of a harm if you are a gang member and you aren't doing anything. But I think as a policy statement, we don't want police officers, correctional officers who are gang members, period. Because they can get up and say, yeah, you're right, I have the Gangster Disciple colors on and the like, but I've never done anything. You're got to prove now that I have done something, whereas under your original Bill, all you had to do was show that you're a gang member, right? Well, yeah, I'm a gang member. That's it. You're guilty. So I guess my only point, Representative, is that I agree with both of your ideas here. I just think we might want to consider keeping the original intent there as well, so we can just send out a loud policy message. We don't want them as gang members, period."

Speaker Kubik: "Representative O'Connor. Representative Dart, I assume that was a statement."

Dart: "Yeah."

Speaker Kubik: "Okay. Further discussion? The Chair recognizes the Gentleman from Washington, Representative Deering."

Deering: "Thank you, Mr. Speaker. Will the Sponsor yield?"

Speaker Kubik: "The Sponsor indicates that he will yield."

Deering: "Representative, this might be a facetious question, but what if a law enforcement officer or a police officer is in an undercover situation? Is that addressed in this Amendment or is that addressed in the current omnibus, the Gang Omnibus Act?"

Speaker Kubik: "Representative Ryder in the Chair and Representative O'Connor to respond to the question."

O'Connor: "Representative, to answer your question, that specific case you just quoted is covered in the Amendment."

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Speaker Ryder: "Representative Deering."

Deering: "Can you bear with me just a minute, Speaker? Let me look at the Amendment."

Speaker Ryder: "Representative Deering, did you ask us to wait for you for a moment?"

Deering: "Just a second, Speaker. I'm coming."

Speaker Ryder: "I'd be happy to wait on you, Sir."

Deering: "Speaker? Okay, Representative."

Speaker Ryder: "Representative Deering, are you prepared to proceed, Sir?"

Deering: "I got you."

Speaker Ryder: "Proceed."

Deering: "Representative, I see that's covered in the Amendment. How about does this have to be authorized? What if a peace officer is doing an undercover situation on his or her own inkling? Does there have to be documentation on file somewhere that says it's an authorized undercover operation?"

Speaker Ryder: "Representative O'Connor."

O'Connor: "Representative, that would be up to the department he worked in. Whether it was a local police department, a correctional officer, Department of Corrections would authorize that type of undercover activity and then that would be covered in this Amendment."

Speaker Ryder: "Representative Deering, anything further?"

Deering: "You said that it would be up to the local jurisdiction. Now I didn't get the answer I wanted. Yes, does it have to be documented? Does there have to be document on file or can a chief of police or someone say, 'Well, we didn't authorize it, but if he or she wants to do it, that's fine.' I mean, does there have to be documentation?"

Speaker Ryder: "Representative O'Connor."

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O'Connor: "I would say, Representative, as any peace officer, correctional officer in the performance of their duty in the course of their workday would have documentation as to what their mission was for that day and if they were in an undercover capacity, I'm sure that would be well known and knowledgeable amongst their peer group, yes."

Speaker Ryder: "Representative Deering."

Deering: "No further questions. Thank you."

Speaker Ryder: "Thank you, Representative. Any further questions? Seeing none, Representative O'Connor to close."

O'Connor: "I would ask for the adoption of Amendment #1."

Speaker Ryder: "Thank you. You've heard the Gentleman's Motion. All those in favor of adopting Floor Amendment #1 to House Bill 2592 say 'aye'; those opposed 'nay'. The 'ayes' have it. Floor Amendment #1, is adopted. Any further Amendments?"

Clerk Rossi: "No further Amendments have 'been approved for consideration'. All notes that have been requested on the Bill have been filed."

Speaker Ryder: "Third Reading. Mr. Clerk, continue on the Order of House Bills Second Reading. Please read House Bill 2915."

Clerk Rossi: "House Bill 2915, a Bill for an Act amending the Unified Code of Corrections. Second Reading of this House Bill. Amendment #1, was adopted in committee. No Motions have been filed. Floor Amendment #2, offered by Representative Spangler, has been 'approved for consideration'."

Speaker Ryder: "Thank you, Mr. Clerk. The Chair recognizes Representative Spangler on Floor Amendment #2 to House Bill 2915. Representative Spangler."

Spangler: "Thank you, Mr. Speaker and Ladies and Gentlemen of the

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Chamber. The Amendment we have before us is simply a clarification to the first Amendment which becomes the Bill. And it states, 'That if during the course of adjudication or charge of juvenile delinquency within a county, if there's a separate petition alleging that the minor is neglected or abused or has been previously been filed or filed after the arrest or adjudication, and the minor was placed in the custody of the Department of Children and Family Services, the above restriction and placement shall not apply'. That above restriction that they're talking about there means or has said in the past that under the Criminal Code of 1961, the adjudicated delinquent shall not be placed in the custody of or committed to the Department of Children and Family Services. This does nothing more than put the responsibility back on the agency of DCFS to accept the juveniles that they should have taken in the first place. Be happy to answer any questions."

Speaker Ryder: "You've heard the Gentleman's Motion concerning Floor Amendment #2. On that, is there any discussion? And the Chair recognizes the Lady from Cook, Representative Erwin."

Erwin: "Thank you, Speaker. We did have a fair amount of discussion about House Bill 2915 in the Judiciary Committee the other morning. I wonder if Representative Cross in on the Floor anywhere? He can help me with this. But, Representative, a few questions. Would you share with the Members the position of the Department of Children and Family Services on this Bill?"

Speaker Ryder: "The Gentleman indicates that he will yield to the questions of the Lady. Representative Spangler."

Spangler: "Certainly, Representative. The last time that I spoke

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with them, they said they were still in opposition to this Bill because it did not specifically spell out that it would take a separate petition for neglect or abuse. However, after I addressed that issue and said that I would bring it up on the Floor with legislative intent, meaning that the delinquency charge and the neglect and abuse charge would, indeed, be separate petitions."

Speaker Ryder: "Representative Erwin."

Erwin: "So, let me see if I can understand this better because I certainly don't want to continue defending that position if they've abandoned it. Is it your understanding then that with this oral legislative intent that the Department, in fact, supports this Bill?"

Speaker Ryder: "Representative Spangler."

Spangler: "My understanding is, that's correct. Initially, their concern was that this clarification of this language was not such they would have liked to had wordage added that would have said that. But if you look at this Amendment, it says in the very first opening statement there, 'if however a separate petition alleging the minor is neglected or abused'. So I believe the language takes care of it, but I also believe that legislative intent having been mentioned on the Floor, that the delinquency petition would be separate from the neglect or abuse petition."

Speaker Ryder: "Representative Erwin."

Erwin: "Thank you, Mr. Speaker. Representative, I appreciate your comments on the Bill. Let me just say that I do think that the Members should know that there are plans for hearings in a more comprehensive view of the juvenile justice system in this state this summer. And I think it was widely felt, widely, by Members of this Committee as well as the Department, that this particular issue along



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with many, many others would be better addressed in a comprehensive manner as opposed to this way. So with all due respect, I think I will remain opposed to this."

Speaker Ryder: "Any further discussion? The Chair recognizes the Gentleman from Kendall, Representative Cross."

Cross: "Thank you, Mr. Speaker. Will the Sponsor yield?" Representative Spangler, you and I have talked about this a great deal. I just want to follow up on a couple of Judy's questions. I apologize I wasn't in here earlier. Has the Department of Children and Family Services said they're supportive of this Amendment and now the Bill, because of the Amendment?"

Speaker Ryder: "The Gentleman indicates he'll yield to your questions. Representative Spangler."

Spangler: "Representative Cross, that has already been addressed. But for your edification, I will cover it again. They indicated that if it was brought up on the House Floor, that it was indeed by legislative intent that these would be separate petitions from the delinquency petition initially filed and the separate petition of neglect or abuse that they were at that time in favor."

Speaker Ryder: "Representative Cross."

Cross: "Representative Spangler, I know in committee there was discussion about a policy guideline that they were following that they thought was going to address this problem. And I understand the problem of a cost to the counties or potential problem. Is it your understanding or is it your belief that this policy guideline that they have or these policy guidelines will also be utilized to address this problem?"

Speaker Ryder: "Representative Spangler."

Spangler: "Yes, Representative, I expect that it will be.

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Unfortunately, there are some contentious issues with regards to case application of 95.5 and I would make reference to B Section under 4 of that guidelines which states, 'Examples of cases DCFS must decline to accept due to lack of independent basis for findings of abuse, neglect, or dependency.' And on the second case application that they have there, it says, 'Parents never come to pick up a minor ordered released to them by the delinquency court'. Unfortunately, we feel, we, meaning myself and many others, that this, in fact, would be one of the highest degrees of neglect on the basis of the parents or the custodians. And also, that the counties do not have the necessary resources or expertise to be able to address these types of problems."

Speaker Ryder: "Representative Cross, anything further?"

Cross: "Representative Spangler, I know Representative Erwin alluded to this earlier. I don't know where this Bill will go if it leaves here and gets over in the Senate. But if it doesn't pass out of the Senate and maybe it will, are you willing to continue to work with this Bill in the event there are hearings this summer? I know there was discussion in our committee about trying to spend or put more emphasis on local control to address these issues. Are you ... to work with all of us on this issue in doing that?"

Speaker Ryder: "Representative Spangler."

Spangler: "Yes, Representative, I am. The only problem that we have is as of last year when this came out in the Budget Bill, there was no clarification there and all of the DCFS charges and the delinquencies would then be the cost of the counties, the respective counties. And what this Amendment to this Bill does is really saves a lot of money for all of

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our counties. But, yes, I'd be happy to work with you whatever would take place."

Speaker Ryder: "Representative Cross."

Cross: "Well, Representative Spangler, I know the problem that counties are facing, but I think we still have some, I think there's still some significant problems with this Bill. And my understanding is that DCFS still has problems with the language in this Bill, but wants to continue to work with you. I know you've spent a lot of time on this and I want to continue to work. But at this point, I think we still need to spend a little time cleaning this up. For that reason and other reasons, I'm not going to be able to support the Bill at this point. So, I'm going to vote 'no' at this time."

Speaker Ryder: "Anything further, Representative Cross? Seeing none, the Chair recognizes the Gentleman from Logan, Representative Turner."

Turner, J.: "Thank you, Mr. Speaker. Will the Sponsor yield?"

Speaker Ryder: "The Sponsor indicates that he will yield to your questions. Representative Turner."

Turner, J.: "Representative, did I understand you to indicate that with regard to policy guideline 95.5, if a juvenile is picked up by the authorities, if the charges for which that juvenile was picked up is then released and then the parents fail to come and get their child, that DCFS will still under this legislation not get involved in that instance?"

Speaker Ryder: "Representative Spangler."

Spangler: "Currently, under the guidelines put out 95.5, that is the case. They indicate that, that is not their charge and not their responsibility."

Speaker Ryder: "Representative Turner."

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Turner, J.: "Representative, in amending the legislation, did you discuss that particular flaw, at least as I view it, with any of the county officials?"

Speaker Ryder: "Representative Spangler."

Spangler: "Yes, I did. Metro Counties was working with me all along on this. One of my counties had asked me to carry this Bill, the county of Will. And we addressed those types of issues. That's why they felt that it was necessary for this kind of clarification so people would know exactly what the charges of DCFS were and what the charges of the county were. If we don't have this clarification in law, any of the different cases, be it delinquent or neglect and abuse, can be solely determined by DCFS at that time."

Speaker Ryder: "Representative Turner."

Turner, J.: "To the Bill. I rise in support of the Amendment. I do think, frankly, Representative, that the legislation as originally proposed may have been superior to what will now be the legislation because of the Amendment. Nevertheless, I understand that you've worked on it very hard and I think this is a very positive step. As Representative Cross indicated, I'm sure that you will continue to work on this. And this is something we definitely need to get passed. Unlike Representative Cross, however, I would like to see this continue to be worked on because I want to see more DCFS involvement instead of less. And I believe that, as you know, those guidelines under 95.5 have at least 5 examples where DCFS should be involving cases where they currently are not. So I urge the Members of this Body to vote in favor of the Amendment and I urge the Sponsor of this particular piece of legislation to continue to fine tune it. And I certainly will give you any support that I

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can. Thank you."

Speaker Ryder: "Thank you. Any further discussion? The Chair recognizes the Gentleman from Cook, Representative Dart."

Dart: "Thank you. To the Amendment. I couldn't agree with the previous speaker anymore, nor with the Sponsor, who I wish to commend for his hard work in this area. This is something that's absolutely disgraceful is what it is that we have to do this. For any of your folks out there that might forget, last year DCFS tried to jettison all these kids. These are kids who have been abused and neglected, who then commit some delinquent act, whatever it may be. Quite often the delinquent act is a result of the fact they've been raped by their parents or raped by their caretaker. And then DCFS, in an effort to cut down on their numbers and cut down on their expenses, was dumping these kids on the counties. And this was going to cause Cook County about 11 million dollars and for your other counties, you can just to try to figure out the numbers. They were extraordinary. So for two reasons, this thing is something that should be done. It should be done right now. This was something that was repealed last year, folks. There's no need for commissions. There's no need for studies. This is something that was on the books before, until last year. So we don't need to put this off. It's ridiculous to think that we should waste one more moment and leave kids literally wandering the streets because nobody's going to take care of them. That's nuts. This is something that should be done right now. It should be done for two reasons. One is it was well put before. The counties have no resources for this. But secondly and most importantly, these are the kids that we should be looking out after and taking care of around this place.

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For once we should do the right thing and that's to go ahead with this Amendment, go ahead with this Bill, and get it on the Governor's desk. All this garbage about sitting there working with the language and stuff like this, this Sponsor has worked very hard on this language and he's done everything he can and should do on this. This is something where it's the state's responsibility to take care of these kids. It always has been and it should be. And to waste one more moment would jeopardize one more child's lives and that would be on our shoulders here."

Speaker Ryder: "Thank you. Any further discussion? Seeing none, the Gentleman now moves that we adopt Floor Amendment #2, to House Bill 2915. All those in favor say 'aye'; all those opposed 'nay'. The 'ayes' have it. And the Amendment is adopted. Any further Amendments, Mr. Clerk?"

Clerk Rossi: "No further Amendments have been 'approved for consideration'. The notes that have been requested on the Bill have been filed."

Speaker Ryder: "Third Reading. Mr. Clerk, please read House Bill 3048."

Clerk Rossi: "House Bill 3048, this Bill has been read a second time previously. No Committee Amendments. Floor Amendment #1, offered by Representative John Turner, has been 'approved for consideration'."

Speaker Ryder: "Thank you. Representative Turner, is it your intention to adopt Floor Amendment #1 or Floor Amendment #2?"

Turner, J.: "Floor Amendment #2, Mr. Speaker."

Speaker Ryder: "Then do you wish to withdraw Floor Amendment #1?"

Turner, J.: "Yes, I do, Mr. Speaker."

Speaker Ryder: "The Gentleman has moved to withdraw Floor Amendment #1. That Amendment shall be withdrawn. Mr.

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Clerk, what is the status of Floor Amendment #2?"

Clerk Rossi: "Floor Amendment #2, has been 'approved for consideration' and is sponsored by Representative John Turner."

Speaker Ryder: "Thank you, Mr. Clerk. The Chair recognizes the Gentleman from Logan, Representative Turner."

Turner, J.: "Thank you, Mr. Speaker. The Floor Amendment makes a technical change with regard to the provision in the Bill concerning frivolous lawsuits. All the Members I believe in this Body are probably familiar with that piece of legislation. It's been dealt with on this floor before. The technical change that it makes is a reference to a particular section which was simply numerically listed erroneously and it also makes it clear that when a frivolous lawsuit is filed by an inmate that good time can be revoked up to 180 days or six months. The other aspect of the Amendment deals with the escape statute in the Criminal Code. There was a case from the Appellate Court that demonstrated there was a loophole in the escape statute. The escape statute has been amended in the Bill. Representative Hoffman had pointed out that since we were amending the escape statute, we should also amend the aiding escape and that is what this Amendment does. Be glad to answer any questions, however if there are any."

Speaker Ryder: "You heard the Gentleman's Motion on Floor Amendment #2. And on that, is there any discussion? The Chair recognizes the Gentleman from Madison, Representative Hoffman."

Hoffman: "Yes, I would just like to commend the Sponsor for working on this. I think we now have it in a good form, a final form. And I would hope that we could attach this Floor Amendment to our Bill."

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Speaker Ryder: "Any further discussion? Seeing none, you've heard the Gentleman's Motion. All those in favor of adopting Floor Amendment #2, to House Bill 3048 say 'aye'; those opposed 'nay'. The 'ayes' have it. Floor Amendment is adopted. Any further Amendments, Mr. Clerk?"

Clerk Rossi: "No further Amendments have been 'approved for consideration'. A Fiscal Note and a Corrections Budget Impact Note have been requested on the Bill 'as amended' and have not been filed."

Clerk Rossi: "The Fiscal Note and the Corrections Budget Impact Note request has been withdrawn."

Speaker Ryder: "Any outstanding notes?"

Clerk Rossi: "No outstanding notes."

Speaker Ryder: "Third Reading. Mr. Clerk, House Bill 3395."

Clerk Rossi: "House Bill 3395, this Bill has been read a second time previously. No Committee Amendments. Floor Amendment #1, has been 'approved for consideration' and offered by Representative Wyvetter Youngue."

Speaker Ryder: "On House Bill 3395, the Chair recognizes Representative Youngue to present Floor Amendment #1. Representative."

Youngue: "Thank you, Mr. Speaker. Floor Amendment #1 was basically suggested by the state's Superintendent of Schools in order to bring this Bill more under the jurisdiction of the State Superintendent of Schools. This is the Enterprise High School Bill. And the changes made in the Amendment would read that the State Superintendent of Schools and the State Board of Education would assist in the setting up of the programs that the property would be owned by the particular school district where the student that is enrolled in the program goes to school and that the State Board of Education in consultation with the school



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districts would set the rules and regulations and that DCCA would assist in setting up the program. These are changes that make the Bill acceptable and agreeable by the State Superintendent of Schools. And I move for the adoption of the Amendment."

Speaker Ryder: "You've heard the Lady's Motion. And on that, is there any discussion? Seeing none, all those in favor of adopting Floor Amendment #1, to House Bill 3395 please say 'aye'; those opposed 'nay'. The 'ayes' have it. And Floor Amendment #1, is adopted. Any further Amendments, Mr. Clerk?"

Clerk Rossi: "No further Amendments have been 'approved for consideration'."

Speaker Ryder: "What is the status of notes, Sir?"

Clerk Rossi: "No notes have been requested."

Speaker Ryder: "Please move the Bill to Third Reading. Thank you, Mr. Clerk. Mr. Clerk, continuing on the status of House Bills Second Reading, please read House Bill 3510."

Clerk Rossi: "House Bill 3510, this Bill has been read a second time previously. Amendment #1, was adopted in committee. No Motions have been filed. Floor Amendment #2, offered by Representative O'Connor, has been 'approved for consideration'."

Speaker Ryder: "Thank you. The Chair recognizes the Gentleman from Cook, Representative O'Connor to present Floor Amendment #2 to House Bill 3510."

O'Connor: "Thank you, Mr. Speaker. Floor Amendment #2 becomes the Bill. This includes a new Subsection to provide explicitly that should the defendant return to United States after deportation, he or she shall be transported to Department of Corrections or the county jail to serve his or her sentence. Would also remand the defendant to the

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federal attorney general for deportation. If the court decides to remand the defendant to court after sentencing the defendant, may hold the sentence in abeyance and remand the defendant to the federal attorney general."

Speaker Ryder: "You heard the Gentleman's Motion. On that, is there any discussion? The Chair recognizes the Gentleman from Cook, Representative Dart."

Dart: "Thank you. Will the Sponsor yield?"

Speaker Ryder: "Representative, he indicates that he will yield to your questions. Please proceed."

Dart: "Thank you. Representative, can you give me the major differences between Amendment 2 and Amendment 1?"

Speaker Ryder: "Representative O'Connor."

O'Connor: "The first Amendment had omitted the fact that they would have to serve out the rest of their sentence and Amendment #2 addresses that."

Speaker Ryder: "Representative Dart."

Dart: "I guess my concern with Amendment #2, is the provision on the last page, page 12, subsection (d), where it talks about should the defendant return to the United States, the court shall commit the defendant to the Department of Corrections to serve the original sentence. How is it that the Illinois courts would get jurisdiction over a defendant who comes back to New Mexico or Arizona?"

Speaker Ryder: "Representative O'Connor."

O'Connor: "Well, that would be the jurisdiction of the United States. If they were deported and came back, they would then become under our jurisdiction once again."

Speaker Ryder: "Representative Dart."

Dart: "But if they came back to the United States legally and were in the State of Arizona, how is it that we in Illinois would get them physically to bring them back to serve their

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time?"

Speaker Ryder: "Representative Dart, were you concluded with your question, Sir? Representative O'Connor."

O'Connor: "We would request a Governor's warrant to bring them back to the State of Illinois."

Speaker Ryder: "Representative Dart."

Dart: "Well, on another vein now, what assurance do we have, especially given the nature of some of these countries that they're going to basically honor the sentences in the courts of our land?"

Speaker Ryder: "Representative O'Connor."

O'Connor: "Representative, are you asking once they're deported, would a foreign country honor our finding them guilty here? Well, no, that wouldn't be the case."

Speaker Ryder: "Representative Dart."

Dart: "So we just want to get them out of the country. Is that, that point here?"

Speaker Ryder: "Were you concluded with your question, Sir?"

Dart: "Is the point just to get them out of our country, get them out?"

Speaker Ryder: "Representative O'Connor."

O'Connor: "Yes, for certain offenses, that is correct."

Speaker Ryder: "Representative Dart. Representative Dart, anything further?"

Dart: "Yes, if I can have one second please. No further questions."

Speaker Ryder: "Any further questions? Seeing none, you heard the Gentleman's Motion to adopt Floor Amendment #2, to House Bill 3510. On that, all those in favor vote 'aye'; those opposed 'nay'. The 'ayes' have it. And the Amendment is adopted. Any further Amendments, Mr. Clerk?"

Clerk Rossi: "No further Amendments have been 'approved for

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consideration'. All the notes that have been requested on the Bill have been filed."

Speaker Ryder: "Please move the Bill to Third Reading, Mr. Clerk. Continue on the Order of Second Reading, please read House Bill 3662, Mr. Clerk."

Clerk Rossi: "House Bill 3662, this Bill has been read a second time previously. Amendment #1, was adopted in committee. No Motions have been filed. No Floor Amendments 'approved for consideration'. The notes that have been requested on the Bill have been filed."

Speaker Ryder: "Third Reading."

Speaker Ryder: "Continuing on the Order of Second Readings, Mr. Clerk, please read House Bill 2562."

Clerk Rossi: "House Bill 2562, this Bill has been read a second time, previously. No Committee Amendments. Floor Amendment #2, offered by Representative Black, has been 'approved for consideration'."

Speaker Ryder: "The Chair recognizes the Gentleman from Vermilion, Representative Black, on Floor Amendment #2 to House Bill 2562."

Black: "Thank you very much, Mr. Speaker and Ladies and Gentlemen of the House. Floor Amendment #2, I made a commitment that I wouldn't move the Bill out in its original form and so this Amendment keeps that commitment. I will tell you very quickly what Amendment #2 does. It simply says that a nonresident shall pay \$5 for the first parking ticket, if adjudicated within 45 days. If not adjudicated within 45 days, then it's \$1 period. A second offense to the same vehicle would pay \$10. A third offense to the same vehicle would pay \$20, but that \$20 would have to be adjudicated in a court of law in the State of Illinois. Now that's what the Amendment does. I would ask your favorable

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consideration. But let me just say on the record, I think the City of Chicago is negotiating in good faith on this issue. I really believe that we will reach a meeting of the minds on a due process provision and if we can do that, it's not my intent to ever call this Bill on Third Reading. But if we can't reach that agreement, then I reserve that right. And given that statement, I'll be glad to answer any questions you have about the Amendment."

Speaker Ryder: "You've heard the Gentleman's Motion and on that, is there any discussion? The Chair recognizes the Gentleman from Cook, Representative Dart."

Dart: "Thank you. Will the Sponsor yield?"

Speaker Ryder: "The Sponsor indicates that he will yield to your questions, Sir. Please proceed."

Dart: "Representative, I heard you rather clearly saying you had no intention of moving this Bill as long as negotiations kept going on and I trust your word. Can we have an agreement between you and me because as a Legislator from the Chicagoland area, to put it lightly, I dare say say I had major problems with this is an understatement of the year. Could we have some agreement though, so that when things get crazy towards the end of Session and as they may do, that if negotiations break down, you will come and let me know about that, too.

So that it won't be something where you may have had conversations with the city where the negotiations broke down, city doesn't tell me anything and next I know I'm sitting on the Floor with this?"

Speaker Ryder: "I would ask the assistance of those in the chamber to reduce the noise level. Representative Black, do you wish to respond to the question?"

Black: "Yes. That's a very reasonable request and I assure you I

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will come to you personally if I feel it necessary to try to move the Bill out of here on Third Reading. And just to show you that I mean what I say, I did go to your legal counsel in advance, inform him that I had this Amendment. I gave a copy of the Amendment to the governmental affairs person from the City of Chicago. I really think we are negotiating in good faith, but if it does break down completely and I feel that I have no choice but to move the Bill to the Senate, I give you my word I will come to you and tell you that at least a day in advance. I realize that this puts many of my colleagues in a very uncomfortable position, but it also puts some of our constituents in an uncomfortable position. Let me just say publicly, I think Director Wish is truly a breath of fresh air and I think he's going to get this resolved. I hope so. I hope I don't have to see this Bill on Third Reading."

Speaker Ryder: "Anything further, Representative Dart? Seeing none, the Chair recognizes the Lady from Cook, Representative Davis."

Davis, M.: "Thank you. Will the Sponsor yield?"

Speaker Ryder: "The Sponsor indicates he will yield to your questions. Please proceed."

Davis, M.: "Representative Black, why are you not concerned with the citizens in Chicago who might also be having problems with tickets that don't belong to them?"

Speaker Ryder: "Representative Black."

Black: "No, I would gladly accept your Amendment. I am somewhat, I'll tell you I'm incredulous at the number of people from the City of Chicago that I've heard from who are not happy about the way the system works. And I certainly would not be adverse to any Amendment you want to put on there,

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giving the same treatment to city residents. When I first started this, obviously it came out of my district and I was concerned about nonresidents. But I must tell you, I've been surprised at the number of Chicago residents who have contacted me with some very similar concerns that we have downstate."

Speaker Ryder: "Representative Davis."

Davis, M.: "Might I also add, I don't know if you guys have had this problem. But say you leased a car and you find you're issued a ticket for after the date upon which you had been the 'lessee' of that car. So a lot of times people are working very long hours. They don't have time to hang on the telephone two or three hours in an attempt to get such a situation resolved. So, Representative Black, I would like to work with you also and perhaps add an Amendment to this legislation, because Chicagoans should also be treated fairly in reference to the issuance of tickets. Thank you."

Speaker Ryder: "Any further discussion? The Chair recognizes the Gentleman from Madison, Representative Davis."

Davis, S.: "Thank you, Mr. Speaker. Will the Sponsor yield?"

Speaker Ryder: "Sponsor indicates he will yield."

Davis, S.: "Representative Black, you came over to me about three or four weeks ago and asked me to be on this Bill and I thought that you told me you were going to make me the second hyphenated Sponsor on this Bill and I don't even see my name up there as a hyphenated Sponsor. Is my recollection wrong on this? What happened to me being second on this Bill?"

Speaker Ryder: "Representative, did you request the Sponsor to yield to your question? I don't think the record reflects that."

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Davis, S.: "You told me that he did."

Speaker Ryder: "I don't recall that, Sir. If you wish for him to respond."

Davis, S.: "Would you like me to restate the question, Mr. Speaker?"

Speaker Ryder: "I heard the question, Sir. Representative Black."

Black: "Listen, some of the concerns I'm getting into on this Bill, I might make you the first Sponsor. I'll tell you that right now. If we had that discussion, I can't recall that discussion, but I know you are a Cosponsor and you're an outstanding Cosponsor and if we convince some of these people, I'd be honored to have you, Sir, as the second, third, first Cosponsor of this Bill, I'll tell you."

Speaker Ryder: "Anything further, Representative Davis?"

Davis, S.: "Thank you, Mr. Speaker. All seriousness aside."

Speaker Ryder: "Representative, you're already proved that point."

Davis, S.: "I know this for a fact. My district, every single week we are getting requests from the residents in my district that are getting these phony parking tickets from the City of Chicago. It is truly a concern to myself, to the residents in my district. I think it's a good Bill, Representative Black, and I would urge an 'aye' vote on it. Thank you very much."

Speaker Ryder: "Any further discussion? Seeing none, all those in favor adopting Floor Amendment #2, to House Bill 2562 say 'aye'; those opposed 'nay'. The 'ayes' have it. And the Amendment is adopted. Any further Amendments, Mr. Clerk?"

Clerk Rossi: "No further Amendments have been approved for consideration. A Fiscal Note, a State Mandate's Note, and



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a Home Rule Request 'as amended' by House Amendment #2, have been requested on the Bill and have not been filed."

Speaker Ryder: "Bill shall remain on Second Reading."

Speaker Ryder: "Any further Amendments, Mr. Clerk?"

Clerk Rossi: "No further Amendments have been approved for consideration. A Fiscal Note and a State Mandates Note and a Home Rule Note request as amended by House Amendment #2 have been requested on the Bill and have not been filed."

Speaker Ryder: "The Bill shall remain on Second Reading. Continuing on the Order of House Bills - Second Reading, Mr. Clerk, please read House Bill 2676."

Clerk Rossi: "House Bill 2676, a Bill for an Act amending the Election Code. Second Reading of this House Bill. No Committee Amendments. Floor Amendment #2."

Speaker Ryder: "Mr. Clerk, please read House Bill 2576."

Clerk Rossi: "House Bill 2576, this Bill has been read a second time previously. No Committee Amendments. Floor Amendment #2."

Speaker Ryder: "The Chair recognizes the Gentleman from Clinton, Representative Granberg. For what purpose do you rise, Sir?"

Granberg: "I believe the Clerk indicates that there is a Fiscal Note request filed? Is that correct?"

Speaker Ryder: "Mr. Clerk, what is the status of the Fiscal Note?"

Clerk Rossi: "A Fiscal Note has been requested on the Bill as amended."

Speaker Ryder: "Mr. Clerk, was the Fiscal Note requested by Representative Granberg? One moment, Sir, while the Clerk checks to determine who had filed the request for the Fiscal Note. Representative Granberg, for what purpose do you rise?"

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Granberg: "Thank you, Speaker. I withdraw my request for the Fiscal Note and other Notes that may be applicable."

Speaker Ryder: "The Gentleman has withdrawn his request for a Fiscal Note. Any further Note requests, Mr. Clerk?"

Clerk Rossi: "No further Note request."

Speaker Ryder: "Please move the Bill to Third Reading, Mr. Clerk.

Moving to the Order of House Bills - Third Reading. Mr. Clerk, please read House Bill 739."

Clerk Rossi: "House Bill 739, a Bill for an Act amending the Wild Life Code. Third Reading of this House Bill."

Speaker Ryder: "On House Bill 739, the Chair recognizes the Gentleman from Will, Representative Wennlund."

Wennlund: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. This Bill is an initiative of the Illinois Legislative Sportsmen's Caucus which has over 101 Members in the General Assembly. And what it is designed to do, it creates a series of sportsman's license plates, all with a common background. If you're into field trialing, you can order the field trialing plate. If you're into water fowl, you can order the water fowl plate. If you're into pheasants or Pheasants Forever, you can order the pheasant plate. If you're into whitetails, you can order the whitetails plate. Because there was an initiative started in the Senate that started with just the water fowl plate, we could see the flood coming and Representative Brunsvold and myself worked together with the Board of the Sportsmen's Caucus and we worked with the vendors, the Secretary of State's people. And with new technology, they have the ability when a plate is ordered, they don't have to order a whole bunch of extra sheeting anymore. They can just order exactly the amount that they need with the exact design that the customer wants and put it out. So the

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sportsmen throughout Illinois will be able to recognize their individual sporting activity, whether that be field trailing or whether it be waterfowling. Out of the initial cost there is an additional \$40 on top of your original plate fee which is \$48. Out of the \$40, \$25 of this plate fee will go into the Habitat Fund, for habitats throughout Illinois like SIDEM, to develop habitat at SIDEM. For ground nesting birds for instance, that not only hunter use but also the field trailers use. The other \$15 gets deposited into the Secretary of State's special License Plate Fund and is used by the Secretary to help defray the administrative and processing costs. When a renewal comes up, there's a \$27 fee in addition on a renewal, \$25 goes to the Habitat Fund, \$2 goes to the Secretary of State's Special License Plate Fund. I would ask that the Speaker call on the Chairman of the Legislative Sportsmen's Caucus, Representative Brunsvold, to further explain this initiative. If you would, Mr. Speaker."

Speaker Ryder: "Thank you. You've heard the Gentleman's Motion, and on that Motion, is there any discussion? The Chair recognizes the Gentleman from Rock Island, Representative Brunsvold. Representative, before you start. Ladies and Gentlemen of the House, we are on Third Readings. Third Readings. Please give the Sponsors and other Representatives your attention. Representative Brunsvold."

Brunsvold: "Thank you, Mr. Speaker and Representative Wennlund. And I have Mr. Davis, Representative Davis next to me whining about his position on the last Bill and I want to thank Representative Wennlund for keeping his promise and keeping me second on this fine Bill. He knows because maybe next time we go hunting there will be an accidental discharge of my shotgun."

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Speaker Ryder: "Representative Brunsvold, I will remind you that you are on the Record, Sir."

Brunsvold: "Yes."

Speaker Ryder: "Thank you. Please proceed."

Brunsvold: "I stand in support of this fine Bill. In the Senate, Senator Woodyard and Senator Pate Philip, the President and Senator Rea had a Bill dealing with a waterfowlers plate. And we have been through the stamp issue with sportsmen and we have a pheasant stamp and a duck stamp and a turkey stamp and a fur stamp. So we sat down to say, 'Well, we ought to do a plate that takes care of all of that. Then we won't have to go back and redo this for all of the organizations, Senator Philip agreed. President of the Senate agreed and 'Babe' agreed to do that, and they have amended this language onto the Senate Bill. This would simply set up a procedure where the Department of Conservation would have a base background of a plate and then on one side would be a designated sports activity that the Department would work out in discussion with Legislators on what plates we ought to offer. It's a good Bill for sportsmen. If you're a pheasant hunter, you could have a pheasant on there. If you're a Ducks Unlimited guy, you could have a duck on there. So it would cover a lot of areas and would also help fund some sportsmen activities through the Department of Natural Resources. So I stand in strong support of this, and this is an Illinois Legislative Sportsman's Caucus initiative. And we would ask the sportsmen on the Floor of the House here to support this issue and vote 'yes'."

Speaker Ryder: "Thank you. Any further discussion? The Chair recognizes the Gentleman from Bureau, Representative Mautino."

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Mautino: "Thank you. Will the Sponsor yield?"

Speaker Ryder: "The Sponsor indicates he will yield to your questions, Representative Mautino."

Mautino: "Representative Wennlund, I didn't hear over some of the noise in the House. Where will the monies generated from this go? Is there a special fund that's going to be set up?"

Speaker Ryder: "Representative Wennlund."

Wennlund: "Yes. The monies will be deposited into a habitat fund. And Representative Brunsvold and I have worked with the Department and we have discussed this issue, and it is definitely our intent that the Director of the Department of Natural Resources will have discretion as to what type of habitat in any particular year these funds should be used for. Depending on the particular year, it may be needed for ducks for instance. Next year, it might be needed for ground nesting birds, like pheasants and quail and things like that. So it is our intent that the Director have the discretion to determine what is the priority at that particular time with respect to habitat."

Speaker Ryder: "Further questions, Representative Mautino? Thank you. Is there any further discussion? The Chair recognizes the Gentleman from Williamson, Representative Woolard."

Woolard: "Thank you, Mr. Speaker. Will the Gentleman yield?"

Speaker Ryder: "He indicates that he'll yield for your questions Representative."

Woolard: "Representative Wennlund, I understand that the concept of this type of license plate was originated by you a couple of years ago. Rumor has it that maybe your first plate would be similar to the one that you wore last year that had a deer impression on the plate. Is there any

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truth to that rumor?"

Speaker Ryder: "The Gentleman indicates he'll yield for your questions. So, Representative Wennlund."

Wennlund: "Yes, that was a \$3000 plate as a matter of fact. After hitting two doe with a Lincoln Continental, the one doe was embedded into the plate as a matter of fact. So it is true. Yes."

Speaker Ryder: "Representative Woolard."

Woolard: "Yes, a follow up question there. What do you intend to put on the first plate that you order as a commemorative to you?"

Speaker Ryder: "Representative Wennlund."

Wennlund: "Well, in honor of all the ducks and geese that I have killed in the last six months, I'm going with the waterfowl."

Speaker Ryder: "Representative Woolard."

Woolard: "Is there any truth to the fact that Representative Guns vold, Brunsvold, is there any truth to the fact that he's been looking at some kind of a cross between a bottle and a weapon? Is that going to be something that would be available?"

Speaker Ryder: "Representative Wennlund."

Wennlund: "No. As a matter of fact, Representative Brunsvold confirms that that's not the case. In addition to that, he feels he's a good enough shot where he doesn't have to use cross hairs."

Speaker Ryder: "Representative Woolard."

Woolard: "I know that there's a lot of people out there that have been contacting Representative Hughes and Representative Black and a lot of others in this Body because of a concern that they have that there might be some trophies that would be eliminated from their pursuit. And I was wondering if

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there is anything that would prohibit us from honoring a particular hunting group rather than a particular species of animal that we might be hunting?"

Speaker Ryder: "Representative Wennlund."

Wennlund: "No. There is nothing that would prohibit that. The Secretary of State has the discretion to pick the designs. There will be a common background. But he has the discretion to pick the designs and approve various designs. So there's nothing to prohibit that."

Speaker Ryder: "Representative Woolard, anything further?"

Woolard: "Yes. I just stand in support of this. I think it's a good timely fashion. I think this is the right approach. We should be doing something that makes it simpler or easier but still allows us to honor those things that we think are important."

Speaker Ryder: "Thank you, Representative. Any further discussion? The Chair recognizes the Gentleman from Cook, Representative Hassert. Representative Hassert."

Hassert: "Thank you, Mr. Speaker. I move the previous question."

Speaker Ryder: "You have heard the Gentleman's Motion. All those in favor of putting the previous question say 'aye'. Those opposed 'nay'. The 'ayes' have it. And the previous question is put. The Chair recognizes the Gentleman from Will, Representative Wennlund, to close."

Wennlund: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. This is really the first big initiative of the Illinois Legislative Sportsman's Caucus. It's a good initiative and a sound one. And it will improve habitat throughout the State of Illinois. I ask for your favorable consideration."

Speaker Ryder: "The question is, 'Shall House Bill 739 pass?' All those in favor vote 'aye'. All those opposed vote

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'nay'. The voting is open. And this is final action. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 113 voting 'yes', 0 voting 'nay', and 1 voting 'present'. And this Bill, having received a Constitutional Majority, is hereby declared passed. Continuing on the Order of Third Readings. Mr. Clerk, please read House Bill 2915."

Clerk McLennand: "House Bill 2915, a Bill for an Act that amends the Unified Code of Corrections. Third Reading of this House Bill."

Speaker Ryder: "On this Bill, House Bill 2915, the Chair recognizes the Gentleman from Grundy, Representative Spangler."

Spangler: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. To give you a little bit of background on this Bill, last year there was a budget Bill that was put together in an effort to streamline some of the cost to the state and really set the correct monetary charges to the counties and to the state. There was language that was presented that ended up repealing the ability for DCFS to take the delinquents that they should have taken. As a result of this, numerous counties, in fact all of the counties throughout the state were stuck with a lot of charges that they had never had before. One of the problems that we ended up having as a result of that was there were not line items in different counties budgets to address these issues. As a result of that, I had an Amendment that in fact repealed that language from Public Act 89-21 last year, and then realized that that wasn't far enough because there needed to be some clarification language in there that would set forth when DCFS had the



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necessary responsibility that they had to undertake. Now it's a fact that many times in the past the counties and the courts have made wards of the state of delinquents that they should not have. That wasn't right. But by the same token it was not right for clarification language not to be in that Bill last year that said, 'If in fact a juvenile is delinquent, I'm sorry, if a juvenile was neglected or abused that they in fact then would be the wards of DCFS or wards of the state at that time. I'd be happy to answer any questions that you may have.'

Speaker Ryder: "You've heard the Gentleman. Is there any discussion? Seeing none, the Gentleman moves that the question shall be, 'Shall the House pass House Bill 2915?' All those in favor vote 'aye'; all those opposed vote 'nay'. The voting is open. And this is final action. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 106 voting 'yes', 3 voting 'no', and 5 voting 'present'. And this Bill, having received a Constitutional Majority, is hereby declared passed. Continuing on the Order of House Bills - Third Reading, we move to House Bill 2805, Representative Burke. Mr. Clerk, please read the Bill."

Clerk McLennand: "House Bill 2805, a Bill for an Act to amend the Illinois Municipal Code. Third Reading of this House Bill."

Speaker Ryder: "The Chair recognizes the Sponsor of the Bill, Representative Burke."

Burke: "Thank you, Speaker. I'm so happy this Bill came up this evening after its Second Reading a few moments ago. This Bill, given the serious conditions in my community where there are a number of fires. We have a problem with these

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disreputable services that are known as 'board up' services. They come in like vultures and begin to board up buildings without the permission of the owner. And this Bill would ask to control that and give authority to the local municipality to regulate these individuals who would come in and board up burnt buildings. So I would ask for the Body's favorable consideration and would be happy to answer any questions."

Speaker Ryder: "You've heard the Gentleman on House Bill 2805. Is there any discussion? The Chair recognizes the Gentleman from Cook, Representative Lang."

Lang: "Thank you. Will the Sponsor yield?"

Speaker Ryder: "The Gentleman indicates he will yield to your questions, Representative."

Lang: "Representative Burke, I heard you, excuse me, excuse me Representative Burke. I'm over here. Representative Burke, hi. I heard you arguing with Representative Black earlier, something about tickets and board up. Does Representative Black have an Amendment on your Bill?"

Speaker Ryder: "Representative Burke."

Burke: "Thank you, Speaker. Yes, Representative Lang, I did have a conversation with Representative Black relative to amending this Bill to include parking tickets and a number of other very important concerns of his. But of course my emphasis is on this particular activity and I had to decline as much as I wanted to allow him to amend this."

Speaker Ryder: "Representative Lang."

Lang: "Now, I understand this Bill to say that the fire chief has to authorize it. So if a fire chief from Representative Black's district comes up to board up a building in your district and parks illegally, what would happen to that ticket under your Bill?"

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Speaker Ryder: "Representative Burke."

Burke: "I think Representative Black is preparing a commendation for that individual currently. So they would receive an award from Representative Black for doing that."

Speaker Ryder: "Representative Lang."

Lang: "Well, are you sure Representative Black has signed off on this Bill? Because we, certainly, representing the suburban portion of Cook County have similar concerns. I know when my constituents visit Danville there is great concern that when they go down there to board up buildings, they may get a ticket and have to pay for it in Cook County. I don't know how that works but I'm really confused about this system. Your Bill wouldn't cover that problem, would it?"

Speaker Ryder: "Representative Burke."

Burke: "Yes it would, Representative Lang. And I did receive an acknowledgment from Representative Black that he is indeed supporting this legislation."

Speaker Ryder: "Representative Lang."

Lang: "Well, that's good enough for me. If Representative Black is supporting your legislation, then I think we on this side of the aisle should be for it and I'll support your Bill, Sir."

Speaker Ryder: "Any further discussion? The Chair recognizes the Gentleman from Vermilion, Representative Black."

Black: "Yes, thank you very much, Mr. Speaker. My name was used in debate several times so I intend to speak five minutes each time it was mentioned. But be that as it may..."

Speaker Ryder: "Not with this Speaker."

Black: "I beg your pardon, Sir. Are you denying me my right to speak each time my name was mentioned?"

Speaker Ryder: "Please proceed, Representative Black."

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Black: "All right."

Speaker Ryder: "We'd like to go to dinner."

Black: "Will the Sponsor yield? Will the Sponsor yield.  
Representative Burke."

Speaker Ryder: "Representative Black, the Sponsor indicates he'll  
yield for more questions."

Black: "Yes. Representative Burke, are you as bored with this  
Bill as I am? All right. I only have one question. I  
think you've done yeoman work on this Bill. I know I'm  
going to. I think we have a Bill here. But I am a little  
disappointed. I thought I was a Cosponsor of this Bill. I  
think if we have a Black - Burke, no excuse me, in this  
case Burke - Black Board Up Bill, we have an illiterate  
Bill. We've got the 'killer bees' right there. Burke,  
Black and Board Up. It sounds like a law firm somewhere in  
suburban Cook County to me. But anyway, by adding my name  
to this fine piece of legislation, I stand foursquare with  
Representative Burke, Representative Black and the board up  
industry of this fine state. Let's go."

Speaker Ryder: "Anything further? Seeing none, Representative  
Lang your light is on. You previously debated. So has the  
Speaker. Representative Burke to close."

Burke: "Thank you, Speaker. I'm really disappointed that  
Representative Black finds this legislation boring. But if  
he thinks this one is boring, wait until he hears my next  
one. I would ask the Body's favorable consideration of  
this Bill. Thank you."

Speaker Ryder: "You've heard the Gentleman. The question is,  
'Shall House Bill 2805 pass?' All those in favor vote  
'aye'; all those opposed vote 'nay'. The voting is open.  
This is final action. Have all voted who wish? Have all  
voted who wish? Have all voted who wish? Mr. Clerk, take

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the record. On this question, there are 114 voting 'yes', 0 voting 'no', and 0 voting 'present'. And this Bill, having received a Constitutional Majority, is hereby declared passed. The Chair would direct your attention to the Speaker's gallery. The Chair would direct your attention to the Speaker's gallery. Joining us today is the Sheriff of Lee County, Tim Bivins. Sheriff Bivins is the President of the Illinois Sheriffs' Association. He is today the guest of Representatives Jerry Mitchell, Ron Lawfer and David Wirsing. Please welcome Sheriff Bivins. Now that those who speed on county roads have attempted to cover their sins, we would now like to move to continuing on the Order of House Bills - Third Reading to House Bill 3048. Mr. Clerk."

Clerk McLennand: "House Bill 3048, a Bill for an Act in relation to Criminal Law. Third Reading of this House Bill."

Speaker Ryder: "The Chair recognizes the Sponsor of the Bill, the Gentleman from Logan, Representative Turner."

Turner: "Thank you, Mr. Speaker, Ladies and Gentlemen. This Bill has four parts. Two of them are very familiar to this Chamber. The first of which is the provision that we passed unanimously out of this House last Spring which allows juveniles to be housed in local facilities as long as it is separated from the adult population substantially by sight and by sound. The second part of the Bill deals with frivolous lawsuits filed by inmates in the Department of Corrections and allows for the revocation of up to 180 days if a finding is made that the lawsuit filed by the inmate is indeed frivolous. There's a provision in the Bill with regard to escape and aiding escape. I had mentioned earlier on the Floor Amendment that there was a loophole in the statute. This Bill corrects that loophole.

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And finally, there is a provision in the Code of Corrections which deletes the provision which does not allow probation fees to be used to pay personnel in the Probation Office. Be glad to answer any questions."

Speaker Ryder: "You heard the Gentleman. Is there any discussion? The Chair recognizes the Gentleman from Madison, Representative Hoffman."

Hoffman: "Yes. Will the Sponsor yield?"

Speaker Ryder: "The Sponsor indicates he'll yield for your questions, Representative. Please proceed."

Hoffman: "Yes, Representative, this is the Bill that you and I have worked very diligently on. And in its final form would indicate that if an inmate files an action that is deemed to be frivolous, in other words harassing, or in any manner frivolous, that they could potentially lose day for day good time. Is that right?"

Speaker Ryder: "Representative Turner."

Turner: "That is correct, Representative."

Speaker Ryder: "Representative Hoffman."

Hoffman: "Well, I just want to stand in strong support of this Bill. Last year I introduced this piece of legislation. Representative Turner has graciously taken it over and has worked very diligently to ensure its passage. I think it's so vitally important that we stop the practice of spending millions of dollars defending actions that are frivolous by inmates in the Illinois Department of Corrections. I think that the one thing that we ensure by this Bill is we ensure that legitimate lawsuits, legitimate actions based on Constitutional grounds are allowed. However, I think when people are suing us and suing states for not have chunky peanut butter, I think when people in the Department of Corrections are suing, for not being able to wear a dress

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and high heels, when people are suing us for things such as not having the right type of soap, then it's time we end that practice. And I stand in strong support of this Bill. I stand in support with Representative Turner who is very good at co-opting very good pieces of legislation and making them his own. He's done such a wonderful job here that I think that we should all support his Bill and I ask for an 'aye' vote."

Speaker Ryder: "Any further discussion? Seeing none, the Chair recognizes the Gentleman from Logan, Representative Turner, to close."

Turner, J.: "It's only fitting that Representative Hoffman offer such a scintillating close for me. Therefore I simply ask for an 'aye' vote. Thank you."

Speaker Ryder: "You've heard the Gentleman. The question is, 'Shall House Bill 3048 pass?' All those in favor vote 'aye'; all those opposed vote 'no'. The voting is open. And this is final action. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 113 voting 'yes', 1 voting 'no', and 1 voting 'present'. And this Bill, having received a Constitutional Majority, is hereby declared passed. Continuing on the Order of House Bills - Third Reading. Mr. Clerk, please read House Bill 3662."

Clerk McLennand: "House Bill 3662, a Bill for an Act concerning business technology and other development. Third Reading of this House Bill."

Speaker Ryder: "The Chair recognizes the Gentleman from Cook, Representative Durkin."

Durkin: "Thank you, Mr. Speaker. This Bill amends the Historic Preservation Agency Act to allow the Historic Preservation Agency the power to engage in marketing activities to

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promote sites and programs administered by the Agency and that all incomes generated from that would be deposited in the Illinois Historic Sites Fund. It also amends the Build Illinois Act to allow DCCA to provide support for programs and provide administrative support for the public infrastructure construction loan revolving from it."

Speaker Ryder: "You've heard the Gentleman. And on that issue, is there any discussion? The Chair recognizes the Lady from Cook, Representative Schakowsky."

Schakowsky: "Thank you, Mr. Speaker. Will the Sponsor yield?"

Speaker Ryder: "The Sponsor indicates that he will yield to your questions. Please proceed, Representative."

Schakowsky: "Thank you. Does the Historic Preservation Agency not currently have power to market and what do we mean by 'marketing' in your legislation?"

Speaker Ryder: "Representative Durkin."

Durkin: "Presently, under the law the only way they can engage in any type of marketing activity is to promote historic sites as through an interagency agreement with DCCA. That agency, the Historic Preservation Agency has requested that they act on their own authority at this point and that's why they have suggested that we come forward with language at this time. They want to get away from the interagency agreement. They want to have their own exclusive authority to act in this manner."

Speaker Ryder: "Representative Schakowsky."

Schakowsky: "Did they give you an example or can you give us some examples of the kind of activities then that the department would engage in and what programs and sites they might want to be promoting?"

Speaker Ryder: "Representative Durkin."

Durkin: "Well, presently they have an existing sites at Navy Pier



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which they have started through this interagency agreement with DCCA. What they are, it is just general sales to whatever they believe is significant to promoting the Historic Preservation Act dealing with whatever sites they deem are appropriate to run this agency. But I think what they're talking mostly are like gift shops."

Speaker Ryder: "Representative Schakowsky."

Schakowsky: "We finally got to it. Gift shops. Are we talking, Representative, I'll try to help you out here, like the Dana-Thomas House, maybe coming to the Dana-Thomas House, something like that? Is that what you might be trying to help promote here in this legislation, the promotion of places, sites like that?"

Speaker Ryder: "Representative Durkin."

Durkin: "Yes."

Speaker Ryder: "Representative Schakowsky."

Schakowsky: "Good. Thank you. Well I think we've settled that part of the Bill. Now, on the Build Illinois Act, well I guess I don't understand what we're doing. We took away from the Department of Commerce and Community Affairs in the first part and now we 'giveth' in the second part? Is that it? Could you explain what this does?"

Speaker Ryder: "Representative Durkin."

Durkin: "Yes. What they have asked us to do is that they are seeking the authority to provide administrative support in order to develop the CDAP programs which exist to build infrastructure types of development throughout the State through grants which are brought in to DCCA."

Speaker Ryder: "Representative Schakowsky."

Schakowsky: "Who now is doing those administrative functions?"

Speaker Ryder: "Representative Durkin."

Durkin: "Right now it's done on an ad hoc basis. There is no one

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who has actually been dedicated to this type of function."

Speaker Ryder: "Representative Schakowsky."

Schakowsky: "And it seems to me there would be some fiscal impact here. What kind of cost would there be, in the additional costs in the DCCA budget to provide for the administrative support required?"

Speaker Ryder: "Representative Durkin."

Durkin: "They estimate the costs will be between \$50 and \$70,000 for the actual individual but also the personnel services and all of the incidentals which will go along with administering this program."

Speaker Ryder: "Representative Schakowsky."

Schakowsky: "I really don't understand what the program that they're going to be administering does. Could you explain that to me?"

Speaker Ryder: "Representative Durkin."

Durkin: "Sure. The CDAP which is the program which we are talking about is the Community Development Action Program Grant which presently exists which assists with developing infrastructure construction projects through DCCA."

Speaker Ryder: "Representative Schakowsky."

Schakowsky: "Well, if we've been functioning without this administrative staff, why do we need to add more administration to this program?"

Speaker Ryder: "Representative Durkin."

Durkin: "Well, most importantly this function would assist with aiding the municipalities with grant writing in order to get access to these programs. That has not been available in the past. And they believe that this position is going to help market the CDAP program by having an individual going out into the communities, not only drafting but also bringing the message out that there is existing grant funds

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which will be available to assist with the infrastructure construction projects."

Speaker Ryder: "Representative Schakowsky. Is there any further discussion? The Chair recognizes the Gentleman from Kendall, Representative Cross."

Cross: "Thank you, Mr. Speaker. I move the previous question."

Speaker Ryder: "That will not be necessary. There's no further persons seeking recognition. The Chair recognizes Representative Durkin to close."

Durkin: "I ask for a favorable vote."

Speaker Ryder: "You've heard the Motion. The question is, 'Shall House Bill 3662 pass?' All those in favor vote 'aye'; all those opposed vote 'nay'. The voting is open. And this is final action. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, Mr. Clerk, take the record. On this question, there are 114 voting 'yes', 0 voting 'no' and 0 voting 'present'. And this Bill, having received a Constitutional Majority, is hereby declared passed. Mr. Clerk, continuing on the Order of House Bills - Third Reading. Please read House Bill 2651."

Clerk Rossi: "House Bill 2651, a Bill for an Act amending the School Code. Third Reading of this House Bill."

Speaker Ryder: "The Chair recognizes the Sponsor, the Gentleman from Peoria, Representative Leitch."

Leitch: "Thank you very much, Mr. Speaker and Ladies and Gentlemen of the House and a special thank you to individuals on the other side of the aisle for working with us to resolve a problem which is hitting some of our districts this year. This is a catastrophic school Bill in that it addresses the problem as we have in Chillicothe at Illinois Valley High School next year. When a likely ruling by the Property Tax Appeals Board will create a

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devastating circumstance for that district and will result in the jeopardy of some nearly \$890,000. What this Bill would do is create a bridge that in effect freezes the assessed valuation for this year as to what it was last year and helps to cushion the impact of these Draconian cuts in assessed valuation which are occurring in some of our districts. We did this 10 years ago when a similar circumstance occurred. We were all proud to help Representative Mulcahy when he needed this a few years back and it's a situation very important to a number of us. And I'd again like to thank Representative Mautino and the others on his side together with my own Members who have been so supportive in this regard, and ask for your favorable approval of this Bill."

Speaker Ryder: "You've heard the Gentleman. Is there any discussion? The Chair recognizes the Gentleman from Bureau, Representative Mautino."

Mautino: "Thank you, Mr. Speaker. I simply rise in support of the Gentleman's Bill. He's addressing a problem which occurs only when there is a catastrophic loss to a school district and that occurs when the Property Tax Appeal Board has made a decision which is going to in some cases effectively wipe out a district. It gives them a bridge and allows the school district to operate, make the decisions and the moves they need necessary. And it is vital to a number of school districts throughout the State."

Speaker Ryder: "Any further discussion? The Chair recognizes the Gentleman from Peoria, Representative Saltsman."

Saltsman: "Yes, thank you, Mr. Speaker. I passed similar legislation as this approximately 10 years ago for the City of East Peoria and East Peoria School Districts because

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Caterpillar had 25% of the EAV in that School District. And when their EAV was dropped so low, it was a great burden for that one year. What this will do is give these school districts one year to regroup with the school aid formula until they can get back on their feet after getting the shock of the assessment lowered as much as it has. Now, we did this for Balaki. We did it for Chillicothe which is IVC now. So this is not a first time. What we're doing is we're taking a school district that this really damages and then puts it back on its feet for one year and I think this is deserving and I'll support Representative Leitch on this because your side of the aisle supported me when I had it in my district. So I urge an 'aye' vote on this Bill."

Speaker Ryder: "Any further discussion? The Chair recognizes the Gentleman from Washington, Representative Deering."

Deering: "Thank you, Mr. Speaker. Will the Sponsor yield?"

Speaker Ryder: "Sponsor indicates he'll yield to your question."

Deering: "Is this a one year window for the equalization of monies?"

Speaker Ryder: "Representative Leitch."

Leitch: "Yes, Sir."

Speaker Ryder: "Representative Deering."

Deering: "This is a statewide Bill. It's not specific legislation for one county?"

Speaker Ryder: "Representative Leitch."

Leitch: "No. We're hoping that it helps Representative Mautino, Representative Woolard, Representative Smith and a number of others of us."

Speaker Ryder: "Representative Deering."

Deering: "Okay, if this is statewide then and it's a one year window for these monies, will those school districts in

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that county get extra money from the school-aid formula or will the other public schools lose money for one year?"

Speaker Ryder: "Representative Leitch."

Leitch: "What would happen is this does in a minute way impact the school aid formula and so, theoretically, this is spread across school districts around the state. That is correct. We calculated, in the case of Chillicothe, Representative Hoeft calculated that it would be about \$400."

Speaker Ryder: "Representative Deering has no further questions. The Chair recognizes the Gentleman from DuPage, Representative Biggins."

Biggins: "Thank you, Mr. Speaker. I have a question of the Chair."

Speaker Ryder: "Please proceed."

Biggins: "Is there a limit to the number of Democrats that can be added on as Cosponsors of a Bill sponsored by a Republican?"

Speaker Ryder: "There is no limit, Sir."

Biggins: "Will the Sponsor yield for a question?"

Speaker Ryder: "To the Bill. The Sponsor will yield to your question, Sir."

Biggins: "Representative Leitch, did Representative Gash ask to be a Cosponsor of this Bill?"

Speaker Ryder: "Representative Leitch."

Leitch: "No, but please don't get this started."

Speaker Ryder: "Representative Biggins."

Biggins: "Thank you. I rise in support of this Bill. I think it's good legislation."

Speaker Ryder: "Any further discussion? The Chair recognizes the Gentleman from Cook, Representative Schoenberg."

Schoenberg: "Thank you, Mr. Speaker. As a suburban Member of the

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Legislature, I think that I'm calling upon my fellow colleagues who do represent suburban areas to join me in opposition to this measure. As sympathetic as I am to the extenuating circumstances of this particular area, in my view as a matter of policy, this is really no different than when Senator DeAngelis came before the Legislature last year seeking to make adjustments in the property tax cap for suburban Cook County because southern suburbs in Cook County were having a disproportionately tough time coping with the repercussions of the property tax cap. I believe that if we're going to have, if we're going to establish policies that have to do with setting parameters and raising revenues from property taxes that those, indeed, have to be uniform throughout the state. And therefore, I think those of you who do represent south suburban areas in Cook County should be particularly mindful of wanting to oppose this measure so as to not set any kind of precedent. Moreover, this has been justified as a result of a decision that was made by the Property Tax Appeal Board. We have dramatically expanded the power of the Property Tax Appeal Board, so that now property taxpayers in Cook County as a result of legislation passed and signed by the Governor this past year, will now be able to go to the Property Tax Appeals Board. I think if there are problems that relate to the Property Tax Appeals Board, ability to exercise the necessary judgement so as to not shortchange an area, well I think we certainly need to know about it now. Because this next year the Property Tax Appeals Board will be setting up offices in suburban Cook County in order to facilitate what will be an extraordinary demand by suburban property taxpayers in Cook County to have changes made in their property tax Bills appealing the

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decisions made by the Cook County Assessor and the Cook County Board of Tax Appeals. In short, I think those are two compelling reasons for suburban Legislators to take a very hard look at this. And I think as sympathetic as we all are to wanting to help a particular area for extenuating circumstances, those of us in the suburbs owe it to ourselves to stand up for our interests and to vote 'no' on House Bill 2651. Thank you."

Speaker Ryder: "Any further discussion? The Chair recognizes the Gentleman from Cook, Representative Balthis."

Balthis: "Thank you, Mr. Speaker, Ladies and Gentlemen. Being a south suburban Legislator, I rise in support of this measure. I think that giving Representative Leitch and those assistance in helping their districts would hopefully be pay back dividends to us that wants to help our districts. And so I would rise in strong support of this measure so that we can get this Bill passed."

Speaker Ryder: "Any further discussion? The Chair recognizes the Gentleman from Whiteside, Representative Mitchell."

Mitchell: "Thank you, Mr. Speaker. I move the previous question."

Speaker Ryder: "The previous question has been put. All those in favor of putting the previous question, say 'aye'; those opposed 'nay'. The 'ayes' have it. And the previous question shall be put. The Chair recognizes the Gentleman from Peoria, Representative Leitch, to close."

Leitch: "Just again to thank you all. And I'd appreciate an Affirmative Roll Call. Thank You."

Speaker Ryder: "You have heard the Gentleman. The question is, 'Shall House Bill 2651 pass?' All those in favor vote 'aye'; all those opposed vote 'nay'. The voting is open. And this is final action. Have all voted who wish? Have



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all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this issue, there are 61 voting 'yes', 38 voting 'no', and 14 voting 'present'. And on this matter, having received a Constitutional Majority, is hereby declared passed."

Clerk McLennand: "Committee announcements. Committee for Thursday, March 28th, the Appropriation Education Committee scheduled for 8 a.m. will meet at 9 a.m. in Room 118. Approp. Education will meet at 9 a.m. Approp Human Services will still meet at 8 a.m. Introduction of Resolutions. House Resolution #91 offered by Representative Mautino, Rules Committee."

Speaker Ryder: "Further announcements? Hearing none, Representative Churchill now moves that the House stand adjourned until Thursday, March 28th, 1996 at the hour of 12 noon. All those in favor signify by saying 'aye'; opposed 'nay'. In the Opinion of the Chair, the 'ayes' have it. And allowing Perfunctory time for the Clerk, the House now stands adjourned until Thursday, March 28th, 1996 at the hour of 12 noon."

Clerk McLennand: "House Perfunctory Session will be in order. Introduction - First Reading of Bills. Senate Bill 542, offered by Representative Rutherford, a Bill for an Act to repeal the Constitutional Convention Lobbyist Registration Act. Senate Bill 1243, offered by Representative Schakowsky, a Bill for an Act to amend the Illinois Pension Code. Senate Bill 1255, offered by Representative Klingler, a Bill for an Act to amend the Illinois Pension Code. Senate Bill 1279, offered by Representative Brady, a Bill for an Act concerning the liability of insurance producers, limited insurance representatives. Senate Bill 1315, offered by Representative Leitch, a Bill for an Act to

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amend the Illinois Vehicle Code. Senate Bill 1316, offered by Representative Bost, a Bill for an Act to amend the Fire Protection District Act. Senate Bill 1323, offered by Representative Lyons, a Bill for an Act to amend the Marriage and Dissolution of Marriage Act. Senate Bill 1360, offered by Representative Bost, a Bill for an Act in relation to coal combustion waste. Senate Bill 1361, offered by Representative Bost, a Bill for an Act concerning tax exemptions. Senate Bill 1394, offered by Representative Bost, a Bill for an Act to amend the Obscene Phone Call Act. Senate Bill 1408, offered by Representative Bost, a Bill for an Act to create the Interstate Ozone Transport Oversight Act. Senate Bill 1459, offered by Representative Granberg, a Bill for an Act to amend the Criminal Code. Senate Bill 1465, offered by Representative Biggert, a Bill for an Act concerning the administration of the Court of Claims. Senate Bill 1470, offered by Representative Durkin, a Bill for an Act to amend the Adoption Act. Senate Bill 1501, offered by Representative Winkel, a Bill for an Act to amend the Illinois Marriage and Dissolution of Marriage Act. Senate Bill 1648, offered by Representative Balthis, a Bill for an Act in relation to financial institutions. Senate Bill 1664, offered by Representative Stephens, a Bill for an Act in relation to the Southwestern Illinois Development Authority. Senate Bill 1686, offered by Representative Stephens, a Bill for an Act to amend the Illinois Public Aid Code. Senate Bill 1688, offered by Representative Balthis, a Bill for an Act to amend the Illinois Banking Act. Senate Bill 1691, offered by Representative Cross, a Bill for an Act to amend the Code of Criminal Procedure. Senate Bill 1719, offered by Representative Hassert, a Bill for an Act to create the

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Volunteer Employee Commute Options Admission Reduction Credit Act and repeal the Employee Commute Options Act. Senate Bill 1762, offered by Representative Wait, a Bill for an Act concerning the Secretary of State's powers and duties. Senate Bill 1766, offered by Speaker Daniels, a Bill for an Act to amend the State Finance Act. Senate Bill 1769, offered by Representative Bost, a Bill for an Act relating to vehicle registration plates. Senate Bill 1772, offered by Representative Lang, a Bill for an Act to amend the State Comptroller Act. Senate Bill 1805, offered by Representative Lang, a Bill for an Act to amend the Criminal Code. Senate Bill 1877, offered by Representative Scott, a Bill for an Act to amend the Child Curfew Act. Senate Bill 1883, offered by Representative Ryder, a Bill for an Act in relation to elections. Introduction - First Reading of these Senate Bills."

Clerk McLennand: "Being no further business, the House Perfunctory Session stands adjourned. And the House will reconvene in Full Session on Thursday, March 28th at the hour of 12 noon."

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